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[1] this, in his hand. That is how I know the
[2] name. But I had just found out five minutes
[3] before.
[4] **Q:** When did you find your mother's will
[5] in Paris?
[6] **A:** End of March? It was right after I
[7] got back to Paris.
[8] I came to the memorial service and
[9] then I went back to Paris and I was sitting in
[10] my kitchen, and it was a Friday morning and I
[11] knew where this will was, just like that. And I
[12] called someone in New York to find the phone
[13] number and he, Mr. Bock, had the will in his
[14] hand.
[15] **Q:** When you say you knew where this
[16] will was just like that, I'm not sure I
[17] understand what that means. Would you explain
[18] it?
[19] **A:** Well, Mr. Wasserman had mentioned if
[20] there was a first will that it would be good for
[21] us to find it, and I cannot explain how I knew
[22] where it was.
[23] **Q:** Somehow you knew where the will was?
[24] **A:** Yes.

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[1] **Q:** And you can't explain how you came
[2] to that knowledge?
[3] **A:** Well, I called a friend of a friend
[4] of a friend of Don Wallace, who had had a
[5] cerebral hemorrhage, I believe, and I made one
[6] other phone call to a friend of a friend of a
[7] friend of David Wallace. And he said the will
[8] is in this lawyer's office and here is the phone
[9] number, he's waiting for me to call. And that's
[10] how I found this will. And that's why I know
[11] these names because I remember Bock, I talked
[12] with Mr. Bock and he said he'd give the will
[13] immediately to my lawyer.
[14] **Q:** Let me understand. I still don't
[15] understand.
[16] Suddenly you had a flash of
[17] recollection, is that what you're saying, that
[18] there was a will?
[19] **MR. WASSERMAN:** Objection to the
[20] form.
[21] **A:** I knew there was a first will here.
[22] I knew it had some connection to Donald Wallace
[23] and I made a phone call to someone called Patton
[24] Campbell, who I found his phone number from

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[1] another friend. And Patton, who is a friend of
[2] a friend of Donald Wallace, said that Mr. Bock
[3] had my mother's will.
[4] **Q:** How did you know that your mother
[5] had a prior will or had this will that you're
[6] talking about, Exhibit C?
[7] **A:** I don't know. I really do not know.
[8] **Q:** Do you remember whether she told you
[9] that she had a will?
[10] **A:** Well, in the 1990s she had said, you
[11] know, "You and Betsy are included in my will
[12] equally," and didn't want to — so, yes, she
[13] said the word "will" in the early 1990s, but
[14] that was all I knew.
[15] **Q:** Somehow you remembered somebody's
[16] name to try and track this will down?
[17] **A:** No.
[18] **Q:** How did that come to pass?
[19] **A:** I do not know how I knew. I do not
[20] know. Don Wallace did dad's — he didn't leave
[21] a will, but settled dad's estate, and I called a
[22] friend of a friend of Don's who told me about
[23] Don's cerebral hemorrhage and that he didn't
[24] remember anything. And I actually called Don

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[1] and he said he couldn't help me with any first
[2] will, he didn't remember.
[3] And then I called Patton and Patton
[4] said, "Of course, the will is here, here is the
[5] number and Bock is waiting for you to call."
[6] That's how I found it. And I to this day do not
[7] have an explanation.
[8] **Q:** Now, you know who the people are who
[9] are listed on that page on the signature page of
[10] Exhibit C, Proponent's Exhibit C? Do you know
[11] who they are now?
[12] **A:** Yeah, they're the lawyers that had
[13] this will in their office.
[14] **Q:** Do you have any personal
[15] relationship with them?
[16] **A:** No.
[17] **Q:** Do you know who they are personally?
[18] **A:** No. I called Mr. Bock that day. He
[19] gave the will to Mr. Wasserman and I never
[20] talked to them.
[21] **Q:** Do you know whether they had any
[22] relationship with your mother or what kind of
[23] relationship they might have had with your
[24] mother?

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- [1]
[2] A: I know nothing about them, nothing.
[3] Q: Would you take a look at Proponent's
[4] Exhibit B, which is the will that is being
[5] offered. Would you take a look at the signature
[6] line, the signature page on that.
[7] A: Um-hum.
[8] Q: Can you read the names on Exhibit B?
[9] A: Yes.
[10] Q: What are those names?
[11] A: Helene Luchene, Diane —
[12] Q: Why don't you read them one at a
[13] time. What's the first?
[14] A: Helene Luchene.
[15] Q: Do you know who that is?
[16] A: I think it's a French lady that's on
[17] the 15th floor of 201 East 77th.
[18] Q: And how was she connected to your
[19] mother?
[20] A: Neighbor. They lived in the same
[21] building.
[22] Q: Have you ever talked to Helene
[23] Luchene?
[24] A: Yes.
[25] Q: When was the last time you spoke to

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- [1] her?
[2]
[3] A: Well, actually when I was waiting
[4] for Ken to come to pick up my stuff at the
[5] apartment, she walked in and we talked about
[6] Paris and stuff like that. So I'd say this was
[7] July 1998.
[8] Q: During this conversation in July of
[9] '98 did you talk about your mother's will?
[10] A: No.
[11] Q: Besides talking about Paris, what
[12] else did you speak about?
[13] A: Well, she was coming in and/or going
[14] out, I forgot what, and we talked briefly in
[15] French about Paris. And I think she was going
[16] to some kind of French thing on Fifth Avenue or
[17] something. But that was it.
[18] Q: And prior to July of '98, when was
[19] the last time that you spoke to Helene Luchene?
[20] A: I met her in the elevator the summer
[21] before July '97.
[22] Q: Did you have any conversation with
[23] her at that time?
[24] A: "Oh, hi, how are you, back for the
[25] summer?"

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- [1]
[2] Q: Did you ever meet Helene Luchene in
[3] the presence of your mother?
[4] A: I think Mom and I were in the
[5] elevator once when she got in the elevator.
[6] Q: Have you ever spoken to Helene
[7] Luchene about your mother?
[8] A: No.
[9] Q: What's the next name on that?
[10] A: Diane Stennett.
[11] Q: Can you spell that for me?
[12] A: S-T-E-N-N-E-T-T.
[13] Q: Do you know who that is?
[14] A: No.
[15] Q: Do you know what relationship she
[16] might have with your mother?
[17] A: No.
[18] Q: Have you ever heard that name before
[19] today?
[20] A: No. I don't remember.
[21] Q: And who is the next name?
[22] A: Terence McClusky.
[23] Q: Do you know who that is?
[24] A: No.
[25] Q: Have you ever heard that name before

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- [1] today?
[2]
[3] A: I don't remember.
[4] Q: Any other name as a witness?
[5] A: No.
[6] Q: Have you ever talked to Diane
[7] Stennett?
[8] A: No.
[9] Q: Have you ever talked to Terence
[10] McClusky?
[11] A: No. I'm not sure who they are.
[12] Q: Let me put that away.
[13] Going back now to Proponent's
[14] Exhibit A, I'm going to read to you from the
[15] second line, paragraph numbered First. "She,"
[16] meaning Julia Taschereau, "did not publish the
[17] same as her will in presence of the witnesses
[18] whose names are subscribed thereto."
[19] Do you understand what that means?
[20] MR. WASSERMAN: Again you're asking
[21] a legal question to a non-lawyer, but I'll
[22] let her answer if she does.
[23] A: Yeah, I don't know what does that
[24] mean.
[25] Q: Let me take a look again and see if

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[1]
[2] I can find a phrase or a paragraph which, the
[3] last sentence on paragraph First — not the last
[4] sentence, I'm sorry, but the last clause after
[5] the comma, "and the alleged witnesses did not
[6] sign as witnesses in her presence or in the
[7] presence of each other." Do you understand what
[8] that means?
[9] A: Yes.
[10] Q: You don't understand what that
[11] means?
[12] A: Yes, I do.
[13] Q: Do you believe that that statement
[14] is correct or true?
[15] A: No.
[16] Q: Do you know why that's listed then
[17] as one of your objections to probate?
[18] A: The alleged witnesses signed as
[19] witnesses in her presence.
[20] Q: Do you know whether that's true or
[21] not?
[22] A: Yes, that is true.
[23] Q: Take a look at the last clause of
[24] paragraph numbered First.
[25] A: What I just said? The alleged

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[1] witnesses did not sign as witnesses. Well, we
[2] just saw —
[3] MR. WASSERMAN: What's your
[4] question?
[5] Q: Do you know that they did not sign
[6] as witnesses in her presence or in the presence
[7] of each other?
[8] MR. WASSERMAN: She wasn't there.
[9] A: I wasn't there and I see that they
[10] did sign, and I know now that they were in the
[11] presence of each other and in her presence.
[12] Q: And what was the basis of including
[13] that as one of your objections?
[14] MR. WASSERMAN: Objection to the
[15] form. You're asking a legal question to a
[16] person who is not a lawyer, but she can
[17] answer if she knows.
[18] A: I have no idea. I don't know.
[19] Q: I'd like you to look at paragraph
[20] numbered Second which says, "Julia Elizabeth
[21] Taschereau was not, at the time of making of
[22] said alleged will, of sound mind and memory and
[23] capable of making a will."
[24] Would you look at that paragraph.
[25]

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Danger

[1]
[2] A: Um-hum.
[3] Q: Do you know whether that statement
[4] is correct or true?
[5] MR. WASSERMAN: Objection to the
[6] form. Again, these are legal meanings of
[7] words that you're asking a non-lawyer to
[8] interpret.
[9] A: What was the question?
[10] MR. UNCYK: Would you read it back,
[11] please.
[12] (The record was read.)
[13] MR. WASSERMAN: Objection to the
[14] form.
[15] A: I don't know. No. I mean...
[16] Q: Is it true? Was it true to your
[17] knowledge?
[18] MR. WASSERMAN: Objection to the
[19] form. I think this is asked a second time
[20] and she answered. But you can answer
[21] again if you can.
[22] A: I don't know.
[23] Q: Did you have any question about your
[24] mother's competence at any time?
[25] MR. WASSERMAN: Objection to the

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[1] form. Can you explain what you mean by
[2] competence, please?
[3] MR. UNCYK: It's an English word
[4] that's used in everyday conversation. I'm
[5] not implying that the witness knows legal
[6] or technical terms. I'm asking the
[7] witness as a person, as a witness, not an
[8] expert, whether she had any questions
[9] about her mother's competence at any
[10] time.
[11] MR. WASSERMAN: Competence to make a
[12] will, is that your question?
[13] MR. UNCYK: Competence.
[14] MR. WASSERMAN: Objection to the
[15] form.
[16] Q: Please answer it then.
[17] MR. WASSERMAN: If you can answer
[18] it. I can't answer it.
[19] THE WITNESS: Can I ask you a
[20] question?
[21] MR. WASSERMAN: Yes. Can we take a
[22] two-minute break, please?
[23] MR. UNCYK: Yes, of course.
[24] (Conference between witness and
[25]

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(1) Danger

(2) objection —

(3) MR. UNCYK: Please do whatever you

(4) need to put those words in context.

(5) (Pause in the proceedings.)

(6) A: Yes, there was undue influence.

(7) Q: What do you mean by that?

(8) MR. WASSERMAN: Objection to the

(9) form.

(10) A: My mother would never have written

(11) that will if it — if there hadn't been undue

(12) influence on the part of my twin sister, Betsy

(13) Combier.

(14) Q: Can you describe what you mean by

(15) "undue influence"?

(16) MR. WASSERMAN: Objection to the

(17) form.

(18) A: Threats, punishment, acting on

(19) guilty feelings.

(20) Q: Anything else?

(21) A: Well, the whole panoply of

(22) emotional pain to force Mom to do something that

(23) she wouldn't ordinarily have done.

(24) Q: Anything else?

(25) A: Not that I can think of.

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(1) Danger

(2) Q: What kind of threats are you aware

(3) of, either from your own personal knowledge or

(4) through any means whatsoever?

(5) A: Not seeing her grandchildren.

(6) Q: Is it your claim, then, that Betsy

(7) threatened your mother with not seeing her

(8) grandchildren unless she changed her will?

(9) A: Among other things, yes.

(10) Q: What other things did she threaten?

(11) A: Since I knew nothing about this

(12) except Mom would call me up and say how lonely

(13) she was, I gather that Mom felt guilty about

(14) Betsy.

(15) Q: Well, we're talking about threats

(16) right now. What threats besides not seeing her

(17) grandchildren?

(18) MR. WASSERMAN: What threats is she

(19) aware of personally or has she heard other

(20) people?

(21) Q: Directly or indirectly, what threats

(22) do you believe were made?

(23) MR. WASSERMAN: Why don't we, if we

(24) can, Eli, take it one at a time to make

(25) the record clear. First ask her, if you

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(1) Danger

(2) can, what she knows from her own direct

(3) perception, and then if she has heard

(4) other things, what's that.

(5) MR. UNCYK: Well, I think that's

(6) really a matter of style more than

(7) substance. It's not my style to do it

(8) that way. My style is to do it the way

(9) I'm doing it. I hope you don't mind.

(10) MR. WASSERMAN: Well, that is

(11) confusing and I'll object to the form.

(12) Q: It may be confusing, I'd like to

(13) find out if you know or believe from any source

(14) whatsoever whether there were any other threats

(15) besides not seeing her grandchildren?

(16) A: I don't know.

(17) Q: You don't know or you don't know of

(18) any other, which are you saying?

(19) A: I don't know, period.

(20) Q: You don't know of any other threats

(21) or you don't know what?

(22) A: I don't know what.

(23) Q: Okay. So you've mentioned one

(24) threat, not seeing her grandchildren. Were

(25) there any other threats that you're aware of,

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(1) Danger

(2) directly or indirectly?

(3) A: That I was personally aware of, no.

(4) Q: That wasn't the question. That you

(5) were aware of directly or indirectly.

(6) MR. WASSERMAN: That she was aware

(7) of meaning at the time of the will or now

(8) or when?

(9) Q: That you are aware of.

(10) A: Now?

(11) Q: Any other threats that you are aware

(12) of?

(13) A: Now?

(14) Q: At any time from any source. That

(15) question is as broad as possible. It's not

(16) appropriate to just spring something on

(17) someone. I'm asking what other threats do you

(18) believe Betsy made besides not seeing her

(19) grandchildren. And I don't care where you get

(20) that information, whether you dreamt it, whether

(21) you heard it third or fifthhand or whether you

(22) heard it personally. What other threats were

(23) there?

(24) A: The threat I know of is not seeing

(25) Betsy and her children.

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[1]
[2] Q: Again, I want an answer. Besides
[3] that threat, are you aware of, do you know of,
[4] have you dreamt of, ever heard second, third,
[5] firsthand of any other kinds of threats?

[6] MR. WASSERMAN: Objection to the
[7] form.

[8] A: I have heard of punishments and
[9] threats on the part of Betsy, but that is a
[10] plural, there is an S at the end of
[11] punishments. I do not know any more than the
[12] threat of not seeing the grandchildren.

[13] Q: And what about punishments, what
[14] kind of punishments are you talking about?

[15] A: I don't know.

[16] Q: Why did you say punishments if you
[17] don't know —

[18] A: Because I've heard indirectly from
[19] other people that there were punishments and
[20] threats from Betsy toward Mom.

[21] Q: Now, aside from not seeing her
[22] grandchildren, what other punishments or threats
[23] did you hear indirectly?

[24] A: I don't know.

[25] Q: You don't know, or you don't

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[1] remember?
[2]

[3] MR. WASSERMAN: Asked and answered.
[4] Eli, she said she doesn't know.

[5] A: I don't know.

[6] Q: Where did you hear this, about this?

[7] A: From Mom's closest friends.

[8] Q: What are their names?

[9] A: Again, there is Maryanne.

[10] Q: Maryanne, what's the last name?

[11] A: Weaver.

[12] Q: And when did Maryanne Weaver tell
[13] you that your mother told her that she felt
[14] threatened?

[15] A: She talked to Ken Wasserman.

[16] Q: Did she ever tell you?

[17] A: No.

[18] Q: Anyone else besides Maryanne Weaver?

[19] A: I repeat, again, I assumed — I know
[20] that Mom confided in her closest friends. I was
[21] not to know anything about this, nothing. So I
[22] found out after what was going on at that
[23] period, but I was not supposed to know anything
[24] during the period that this was occurring and I
[25] didn't.

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[1] Q: Well, whenever you found out, when
[2] and how did you find out? Through who did you
[3] find out? Who told you? Who told anybody? How
[4] did you hear? Who do you believe knows?

[5] MR. WASSERMAN: Knows what, Eli?
[6] Objection to form. I ask you to rephrase
[7] the question so there is a clear
[8] question.

[9] MR. UNCYK: I'm looking for
[10] information. I don't care about the form.

[11] MR. WASSERMAN: I care about the
[12] form, and I think the judge is going to
[13] care about the form.

[14] MR. UNCYK: These questions won't be
[15] asked at the trial. The purpose of this
[16] is to get information so that you can't
[17] hide it and spring it.

[18] MR. WASSERMAN: You're aware, I
[19] think, that there is an objection to the
[20] form at a deposition.

[21] MR. UNCYK: I understand.

[22] MR. WASSERMAN: And we're also
[23] trying to formulate proper questions.

[24] MR. UNCYK: That's not my objective
[25]

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[1] right now. I'm not intending to form
[2] proper questions. I'm intending to get
[3] information. If she doesn't want to give
[4] information, we'll deal with it.

[5] (Luncheon recess: 12:30 p.m.)
[6]
[7]
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[9]
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[21]
[22]
[23]
[24]
[25]

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AFTERNOON SESSION

[1] 1:34 p.m.
[2] JULIA DANGER, having been previously duly sworn
[3] by a Notary Public, was examined and
[4] testified further as follows:
[5] EXAMINATION Continued
[6] BY MR. UNCYK:
[7] Q: I'm going to digress for just a
[8] moment to a different subject from the
[9] pleadings.
[10] Do you know Anne Connor, do you know
[11] that name?
[12] A: Yes.
[13] Q: Do you know who she is?
[14] MR. WASSERMAN: The question is do
[15] you know who she is, yes or no?
[16] A: Yes.
[17] Q: Who is she, to your knowledge —
[18] A: She is a member of Madison Avenue
[19] Presbyterian Church.
[20] Q: Did she have any connection with
[21] your mother?
[22] A: Yes, she was a very close friend of
[23] my mother.
[24]
[25]

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[1] Q: How do you know that?
[2] A: When I came to New York they would
[3] go out to dinner. Mom said that she was very
[4] close to Anne.
[5] Q: Did you and your mother ever spend
[6] time together with Anne Connor?
[7] A: Whenever she would come over, I
[8] would sit with them.
[9] Q: How often did that happen, each
[10] visit?
[11] A: Oh, maybe three or four times, five
[12] times, I don't know.
[13] Q: Did you ever have any conversations
[14] with Anne outside the presence of your mother?
[15] A: No.
[16] Q: Did you ever call Anne by
[17] telephone?
[18] MR. WASSERMAN: This is, are you
[19] talking about the '80s, the '90s?
[20] MR. UNCYK: Any time. At any time.
[21] A: Not when Mom was alive, no.
[22] Q: During the '90s, just to focus a
[23] little better to make sure that your
[24] recollection is well refreshed, did you have any
[25]

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[1] conversations with Anne outside your mother's
[2] presence?
[3] A: No.
[4] Q: Did you ever call Anne by telephone
[5] during the '90s?
[6] A: No. Well, in the '90s until 1998,
[7] until my mother's death I didn't even know her
[8] phone number.
[9] Q: Now, do you recall whether you
[10] called Anne Connor in February of 1998 and left
[11] a message on her answering machine?
[12] A: I don't remember.
[13] Q: Is there anything that you could
[14] look at or anything that you could do that might
[15] help refresh your recollection?
[16] A: No.
[17] Q: Is there anything that happened
[18] around February of 1998 that would have prompted
[19] you to call Anne Connor?
[20] A: I don't remember.
[21] Q: Sometime in February of 1998 did you
[22] learn that the second bedroom in your mother's
[23] home was being used by a caregiver?
[24] A: No.
[25]

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[1] Q: Did you ever learn that the second
[2] bedroom in your mother's home —
[3] A: No.
[4] Q: — was being used by a caregiver?
[5] A: No.
[6] Q: During February of 1998, do you have
[7] any recollection that you were told that the
[8] room that you used to stay in would be used by a
[9] caregiver?
[10] A: No.
[11] Q: Do you have any recollection that
[12] sometime in 1998 you were told that if you came
[13] to visit, you would not be able to stay at your
[14] mother's?
[15] A: No.
[16] Q: You said that you spoke to Anne
[17] Connor sometime after your mother's passing; is
[18] that correct?
[19] A: Yes.
[20] Q: When was the first occasion after
[21] your mother passed away that you spoke to Anne
[22] Connor?
[23] A: Well, right after Betsy informed me
[24] of Mom's death I was very distraught, upset and
[25]

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[1]
[2] I called Anne.
[3] Q: Where were you at the time that you
[4] called?
[5] A: Paris.
[6] Q: How did you get her phone number?
[7] A: How did I get her phone number? I
[8] don't remember. I must have had her home phone
[9] number, I guess.
[10] Q: A little earlier I think you said
[11] you didn't even have her phone number when I
[12] asked you if you ever called her before your
[13] mother's death.
[14] A: Yeah, yeah.
[15] MR. WASSERMAN: There is no
[16] question.
[17] Q: A little earlier you said that you
[18] didn't have her phone number when I asked you if
[19] you had called her before your mother's death.
[20] Did you obtain her phone number after that?
[21] A: Yes, I must have.
[22] Q: Where?
[23] A: I don't remember.
[24] Q: Is there anything that you could
[25] look at or anything that you could do that might

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[1] help you remember?
[2] A: No. No, I really can't remember.
[3] Q: What was the subject of the call?
[4] A: I wanted to talk to somebody.
[5] Q: Did you reach her when you called?
[6] A: Yes.
[7] Q: What did you say and what did she
[8] say?
[9] A: Well, she — I didn't say too much,
[10] I was crying and she said come to the memorial
[11] service and get a lawyer.
[12] Q: What did you say?
[13] A: I said I was definitely coming to
[14] the memorial service and that why a lawyer, and
[15] she had mentioned that there was some undue
[16] influence on the part of Betsy that would mean
[17] that I would need legal help.
[18] Q: Did she use the phrase "undue
[19] influence"?
[20] A: No.
[21] Q: What phrase did she use?
[22] A: I don't remember.
[23] Q: What did she say to the best of your
[24] recollection in her words?
[25]

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[1]
[2] A: I don't remember, but she did say
[3] that I needed a lawyer because there was —
[4] Betsy had done things that I wouldn't like that
[5] I would find out and that I should get a lawyer.
[6] Q: Well, what word did she use that you
[7] interpreted as undue influence?
[8] MR. WASSERMAN: Asked and answered,
[9] she said that she didn't know.
[10] A: I don't remember. This was right
[11] after Mom's — I was informed of Mom's death. I
[12] do not remember. But it was Anne Connor that
[13] said get a lawyer.
[14] Q: How long after you were informed of
[15] your mother's death did you call Anne Connor?
[16] A: The next day. Betsy called me, it
[17] was 9 p.m. in Paris — no, maybe it was that
[18] same night. I know I couldn't talk for a few
[19] hours.
[20] Q: So it was either the same night or
[21] the next day that you called Anne Connor?
[22] A: Um-hum.
[23] Q: Did Anne Connor tell you what things
[24] you wouldn't like?
[25] A: No. I knew nothing about anything

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[1] at that point.
[2] Q: So Anne Connor said, "Get a lawyer,
[3] Betsy has done things that you'll find out about
[4] that you wouldn't like?"
[5] A: I don't remember her exact wording.
[6] Q: What else did she say in sum or
[7] substance even if you don't remember her —
[8] A: That was her basic substance. I
[9] mean, I wasn't in any kind of state to either
[10] listen or know in any other way. I remember
[11] that I was surprised that she would say get a
[12] lawyer, because every time I went to New York my
[13] mother seem — I knew nothing about what was
[14] going on and Mom could not let me know any of
[15] her pain. She did not want me to know. And Mom
[16] covered it up very well.
[17] Q: You used the phrase "undue
[18] influence" in connection with what Anne Connor
[19] told you, but she did not use that phrase; is
[20] that correct?
[21] A: She did not use that phrase and I do
[22] not remember her exact words, but it was, "Why
[23] do I need a lawyer?" Anne knew what was going
[24] on in New York and that is why she said get a
[25]

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[1] lawyer, which I did.
[2] **Q:** When you asked her why, she said,
[3] "Betsy has done things that you wouldn't like
[4] that you'll find out about"; is that correct?
[5] **A:** That was the gist of what she said.
[6] I do not remember her exact words. I do not. I
[7] do not.
[8] **Q:** What about her words or what she
[9] said in sum or substance made you use the phrase
[10] "undue influence"?
[11] **MR. WASSERMAN:** Object to the form.
[12] That's asked and answered. Try it one
[13] more time.
[14] **A:** She said that Betsy — this is the
[15] gist of what she said, that Betsy had, I don't
[16] remember her exact words, for me it's undue
[17] influence, to get her means toward the end, and
[18] I really don't remember. I was in a distraught
[19] state.
[20] She said something to that effect
[21] when she said get a lawyer.
[22] **Q:** To the best of your recollection
[23] what else did you discuss with her during that
[24] conversation?
[25]

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[1] **A:** Oh, it was very short. I was very,
[2] very, very, very upset.
[3] **Q:** Did you have any conversations with
[4] her after that?
[5] **A:** I saw her at the memorial service.
[6] **Q:** Did you have any conversations with
[7] her there?
[8] **A:** Oh, hello. She was amazed to see me
[9] come in because it's a long trip from Paris and
[10] I told her that I would be coming, but oh, I,
[11] Jill, you know, sorry, Anne.
[12] **Q:** Anything else during that
[13] conversation?
[14] **A:** No, no, it was right before the
[15] beginning of the service.
[16] **Q:** Did you have any other conversations
[17] with her after the memorial service?
[18] **A:** I don't remember.
[19] **Q:** Is there anything that you could
[20] look at or anything that you could do to help
[21] refresh your recollection as to whether you had
[22] any more contacts or conversations with Anne
[23] Connor after the memorial service?
[24] **A:** I don't remember.
[25]

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[1] **MR. UNCYK:** I'd like to have marked
[2] as Exhibit D an item entitled "Bill of
[3] Particulars in Probate Proceeding, Will of
[4] Julia Elizabeth Taschereau."
[5] I'm saying that, remember, Ken, that
[6] this is a deposition in both cases, we
[7] have the two cases pending, the Danger
[8] against Combier case that was removed from
[9] the Supreme Court to the Surrogate's
[10] Court, and this will proceeding. So I'm
[11] not intending to conduct a separate
[12] deposition for the other case.
[13] You look surprised. I thought that
[14] we understood I was using this opportunity
[15] to take depositions with respect to both
[16] cases.
[17] **MR. WASSERMAN:** I don't think you
[18] should express that I look surprised
[19] because I didn't —
[20] **MR. UNCYK:** Oh, okay. Is that all
[21] right with you, is that your
[22] understanding?
[23] **MR. WASSERMAN:** If that's how you
[24] want to do it, you can certainly — I'll
[25]

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[1] not object to any question you ask
[2] relating to the trust case.
[3] **MR. UNCYK:** Okay. Maybe I should
[4] have made it explicit at the beginning.
[5] But I'd like to take this opportunity, the
[6] opportunity today and next week to cover
[7] both cases, so you don't need to do more
[8] depositions then are necessary. And
[9] that's why I'm talking about the title of
[10] the case as opposed to saying the bill of
[11] particulars in this proceeding, because
[12] it's two proceedings that we're talking
[13] about.
[14] I'm going to mark it Exhibit D, if
[15] you don't mind. And attached to it is a
[16] fax cover sheet from Mr. Wasserman to our
[17] office which is not part of the exhibit,
[18] but I won't unattach it.
[19] (Proponent's Exhibit D, document
[20] entitled "Bill of Particulars in Probate
[21] Proceeding, Will of Julia Elizabeth
[22] Taschereau," was marked for
[23] identification.)
[24] **Q:** Would you take a look at the bill of
[25]

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[1] particulars, Ms. Danger, and tell me if you have
[2] ever seen this document before today?
[3] A: Yes.
[4] Q: When is the first time that you saw
[5] it —
[6] A: This is the one I saw this morning.
[7] Q: You saw it this morning. When you
[8] say, "This is the one I saw this morning," you
[9] saw this for the first time this morning?
[10] A: (Witness nods.)
[11] Q: Can you tell me by looking at the
[12] verification page, or can you verify for me that
[13] the verification page says July 17th, 2000 and
[14] that it's verified by Mr. Wasserman?
[15] A: Um-hum.
[16] Q: Is that correct?
[17] A: (Witness nods.)
[18] Q: Do you know what this document is?
[19] A: It's about the case.
[20] Q: Do you know what a bill of
[21] particulars is?
[22] A: Not exactly, no.
[23] Q: Will you look at response to Demand
[24] No. 1 on page 2 and read that.
[25]

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[1] MR. WASSERMAN: Read it out loud?
[2] MR. UNCYNK: No, just to yourself.
[3] (Pause in the proceedings.)
[4] A: Yes, I've read it.
[5] Q: Did you see any drafts of this
[6] document before?
[7] A: No.
[8] Q: Reading this, I'd like you to focus
[9] on page 3. The first paragraph which, in the
[10] middle which talks about, "Combier exercised
[11] moral coercion and irresistible opportunity that
[12] prevented decedent's interaction. And Combier
[13] exercised insidious, subtle and impalpable
[14] pressure that subverted decedent and
[15] internalized within the decedent the desire to
[16] do not the decedent's intent, but rather the
[17] intent of the decedent," which I take to be a
[18] typographical error, which I take to be meaning
[19] the intent of Combier.
[20] Can you describe what you mean by
[21] moral coercion?
[22] MR. WASSERMAN: Objection to the
[23] form. Again you're asking a legal
[24] interpretation from the witness who has no
[25]

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[1] legal training.
[2] MR. UNCYNK: I'm not asking for a
[3] legal opinion. I'm asking as a lay person
[4] what you understand moral coercion to
[5] mean.
[6] A: Well, the threats, the punishments,
[7] the guilt. Mom had fallen, she had been in the
[8] hospital. All sorts of things that if somebody
[9] told me to disinherit one of my children now,
[10] it's not an option, I wouldn't do it. And
[11] Betsy's punishments and threats put Mom in such
[12] a state that she was forced to do that.
[13] Q: Are those punishments and threats
[14] the ones you described earlier including not
[15] seeing her grandchildren?
[16] A: Yes.
[17] Q: And at that time when I asked you
[18] those questions I asked you were there any other
[19] threats?
[20] A: I don't know what they were. To me
[21] it was not seeing — because Mom would call me
[22] on the phone complaining about how lonely she
[23] was, but there are other people that have said,
[24] oh, Betsy's threats and punishments.
[25]

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[1] Q: And you mentioned the other people
[2] who said that?
[3] A: Yes.
[4] Q: Maryanne Weaver, is the one person
[5] that you mentioned who said that?
[6] MR. WASSERMAN: No, objection to
[7] that. I believe there were more.
[8] Q: Okay, then please remind me, tell me
[9] who else.
[10] A: Anne Connor, Chuck Amstein.
[11] Q: Okay, Anne Connor, Chuck Amstein.
[12] Who else?
[13] A: I guess Maryanne's husband John
[14] Weaver, I guess.
[15] Q: And what do you understand, whether
[16] it's directly from your own knowledge or any
[17] other source your mother told Anne Connor about
[18] threats, punishments or similar things?
[19] A: Yes.
[20] Q: What do you understand your mother
[21] told Anne Connor?
[22] A: I understand that it must have been
[23] something absolutely terrible for no one to even
[24] make me suspect that Mom was under such pain and
[25]

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[1]
[2] unhappiness.
[3] Q: So you had no idea?
[4] A: No idea.
[5] Q: You had no idea that your mother was
[6] under such stress and such pain and anxiety?
[7] A: No, no. She did everything possible
[8] that I would not find out.
[9] Q: And she was effective in that, you
[0] had no idea that she was under that kind of
[1] pressure?
[2] A: No, none. And she voiced her pain
[3] to her closest friends.
[4] Q: How do you know that?
[5] A: Well, I know now that they're
[6] very —
[7] MR. WASSERMAN: Don't guess. What
[8] you know, say what you know. I ask you
[9] not to guess. I think Mr. Uncyk would
[0] also ask you not to guess.
[1] A: Her close friends are unhappy that
[2] she suffered such pain at the end of her life.
[3] Q: How do you know that her friends are
[4] so unhappy about her pain?
[5] A: Maryanne has talked to my lawyer.

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[1] Q: And what about Anne Connor, how do
[2] you know she's so unhappy?
[3] A: She also has talked to my lawyer.
[4] Q: And what about Chuck Amstein?
[5] A: He also has talked to my lawyer.
[6] Q: What about John Weaver?
[7] A: Through Maryanne, I think. I'm
[8] saying I think again.
[9] Q: Have you talked to any of these
[0] people?
[1] A: No.
[2] Q: Now, the next paragraph talks about
[3] an attorney Kenneth Brown. I don't know if
[4] you've read that, the paragraph that deals with
[5] Mr. Brown.
[6] A: Um-hum.
[7] Q: Is it your contention that Mr. Brown
[8] knowingly participated in a fraud with
[9] Ms. Combier?
[0] A: Not knowingly.
[1] Q: Towards the end of that paragraph
[2] there's a statement that, "Brown knew or should
[3] have known that this wish to disinherit Danger
[4] was the desire of Combier and not of decedent."

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[1] What's the basis of your statement
[2] that he knew or should have known that it was
[3] not the decedent's wish?
[4] MR. WASSERMAN: Objection to the
[5] form. And I have continuing objection to
[6] the extent that your questions are asking
[7] an interpretation of the document. It's a
[8] legal document, you're asking a person who
[9] is not a lawyer.
[10] MR. UNCYK: Okay, I understand.
[11] Q: What's the basis of this statement
[12] or your opinion that Brown knew or should have
[13] known?
[14] A: Where is that?
[15] Q: On page 4.
[16] A: Page 4.
[17] MR. WASSERMAN: And don't guess,
[18] please.
[19] A: If these were Mom's wishes, Mom did
[20] not willingly want to disinherit me, and if Mom
[21] had been doing this, he would have known her
[22] wishes.
[23] Q: What's the basis of the claim that
[24] Brown knew or should have known that these were

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[1] not your mother's wishes?
[2] MR. WASSERMAN: Objection to the
[3] form.
[4] A: Well, the fact that he didn't know
[5] my mother's wishes making up her will, he should
[6] not have made up the will if he wasn't — didn't
[7] know that my mother's wishes were otherwise than
[8] that.
[9] Q: I think we know that he did make up
[10] the will.
[11] A: Yes, he did.
[12] Q: And are you saying that he should
[13] have known that the will was not your mother's
[14] wish?
[15] MR. WASSERMAN: Objection to the
[16] form. Don't guess.
[17] A: He was found by Betsy. He met Betsy
[18] before the signing of the will. In spite of the
[19] fact Betsy under oath in her deposition said
[20] that she did not meet him before the signing of
[21] the will. My mother at that point was not able
[22] to withstand Betsy's pressure. She was — she
[23] had fallen, she had broken her hip. She was in
[24] the hospital, she was in a nursing home. She

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[1] was lonely and Betsy was exerting too much
[2] pressure on her at this point to be able to
[3] withstand any more pain.
[4] Q: And in the bill of particulars
[5] you're claiming that Brown should have known
[6] this or knew this?
[7] MR. WASSERMAN: This meaning what,
[8] please?
[9] Q: What you just described.
[10] MR. WASSERMAN: But that's not —
[11] then ask her that question, Eli, don't
[12] refer to two things, what she described
[13] and then what a particular word is in the
[14] bill of particulars. Those are two
[15] different things, and it's confusing to
[16] the witness.
[17] MR. UNCYNK: I don't agree. She
[18] would have answered it if you hadn't
[19] interrupted, but I'll try to accommodate.
[20] Q: Do you think Brown knew that your
[21] mother was signing a will against her wishes?
[22] A: No.
[23] Q: Do you think he should have known?
[24] A: If it had been Mom's wishes and she

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[1] had seeked out a lawyer to change her first
[2] will, then that person would have of course
[3] known exactly what she wanted in her own will.
[4] Q: We're talking about Brown. Do you
[5] think Brown should have known under these
[6] circumstances?
[7] MR. WASSERMAN: Known what?
[8] Objection to the form.
[9] A: Brown did not —
[10] MR. WASSERMAN: There is no
[11] question.
[12] Q: What your mother's wishes were.
[13] A: Brown did not know my mother.
[14] Q: Do you think he should have known
[15] her wishes about what she wanted in her will?
[16] MR. WASSERMAN: Should have known
[17] meaning as a lawyer and what his
[18] responsibilities are?
[19] MR. UNCYNK: No, just should have
[20] known.
[21] MR. WASSERMAN: Objection to the
[22] form.
[23] Q: You say he knew or should have
[24] known.

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[1] MR. UNCYNK: I'm not going to debate
[2] with you. You're getting away with way
[3] too much.
[4] MR. WASSERMAN: Objection to the
[5] comment. Let's take a little break.
[6] (Recess taken.)
[7] Q: Now, taking a look again at Exhibit
[8] D on page 7, one of the questions is set forth,
[9] Demand No. 6, one of the questions Demand No. 6
[10] asks that you set forth in detail decedent's
[11] mental condition at the time of making the
[12] will.
[13] Do you have any information about
[14] your mother's mental condition at the time she
[15] made the will in question?
[16] A: It's as I just said, the pressure
[17] and the pain she was under was so great that she
[18] felt she had to disinherit.
[19] MR. WASSERMAN: Eli, if in fact you
[20] are asking her a question about Demand
[21] No. 6, I would ask that you allow her to
[22] read the response to Demand No. 6.
[23] MR. UNCYNK: Yes, okay.
[24] (Pause in the proceedings.)
[25]

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[1] Q: You've had an opportunity to read
[2] the Demand No. 6 in response to Demand No. 6?
[3] A: (Witness nods.)
[4] Q: Yes?
[5] A: (Witness nods.)
[6] Q: You have to say the word.
[7] A: Yes.
[8] Q: I'm asking you if you could set
[9] forth in detail the decedent's mental condition
[10] at the time of making the will in your own
[11] words.
[12] MR. WASSERMAN: Objection to the
[13] form.
[14] A: Mom was sick, she had fallen down
[15] several times, evidently she had pneumonia and a
[16] bleeding ulcer in January, so she must have had
[17] pre- — in November she must have had something
[18] along those lines. She was starting mentally to
[19] realize that maybe her most favorite wish of
[20] getting Betsy and I together was not going to be
[21] realized because Betsy's demands on the money
[22] and the power of attorney in 1996 and her
[23] "allowance" of \$600 a month. She could not
[24] live her life any longer. She at no time
[25]

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1) stopped loving me to the point of willingly
2) writing this will.
3) **Q:** Do you know whether your mother was
4) suffering from any mental condition or defect
5) which prevented her from having the ability of
6) knowing that she was making a will?
7) **MR. WASSERMAN:** Objection to the
8) form.
9) **Q:** Do you understand that? It's
10) written right here if you want to read that
11) question.
12) **MR. WASSERMAN:** You want to take a
13) break?
14) **THE WITNESS:** Yes.
15) **MR. WASSERMAN:** Let's take a couple
16) minutes break, Eli.
17) (Recess taken.)
18) **Q:** Do you know now whether your mother
19) was suffering from any mental condition or
20) defect which prevented her from knowing, from
21) having the ability of knowing that she was
22) making a will?
23) **MR. UNCYK:** Objection to the form.
24) **A:** Isn't mental anguish and pain and

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1) mental cruelty by the part of my twin sister
2) emotional stress enough? I don't think she had
3) a brain tumor or something, but the emotional
4) stress and mental stress that she was having, of
5) course. She would not have done this document
6) willingly.
7) **Q:** Aside from your conclusions, I'm
8) asking you whether on the day that she signed
9) the will she had enough wits about her to know
10) that she was signing a will.
11) **MR. WASSERMAN:** I think she's trying
12) to answer, Eli.
13) **MR. UNCYK:** She's nowhere near
14) answering the question. I'm trying to
15) make it as simple as possible. You can
16) beat around the bush all you like.
17) **Q:** On the day that she signed the will,
18) did she have enough wits about her to know she
19) was signing a will?
20) **MR. WASSERMAN:** Objection to the
21) form and the colloquy about beating around
22) the bush. She's trying to answer the
23) question and doing it as best she can and
24) doing it well, and you apparently don't

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1) like the answer and so you ask the same
2) question again and you're going to get the
3) same answer.
4) **MR. UNCYK:** I love the answer, I
5) love it frankly, but I'm trying to make it
6) as easy as possible.
7) **MR. WASSERMAN:** Let's try to get her
8) to answer the question.
9) **A:** I'll answer the same way, her wits
10) at that point the day the minute of signing this
11) paper was under so much pressure and emotional
12) pressure and mental anguish, she signed that
13) paper under extreme mental anguish.
14) **Q:** Do you think that she didn't know
15) she was signing a will, is that what you're
16) saying?
17) **A:** She knew she was signing a will.
18) **Q:** Okay. Thank you.
19) Do you know or do you have an
20) opinion as to whether she knew that the will was
21) disinheriting you?
22) **MR. WASSERMAN:** Objection to the
23) form.
24) **A:** It says so on the paper and the will

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1) was read to her.
2) **Q:** So do you have —
3) **A:** She understands English.
4) **Q:** And based on your knowledge of her,
5) you believe that when she signed it, she knew
6) that she was disinheriting you?
7) **A:** Yes.
8) **Q:** You make a claim that Ms. Combier
9) used her own negative, hateful and angry
10) feelings towards you by coercing your mother?
11) **MR. WASSERMAN:** Where is this,
12) please, Sir Eli?
13) **MR. UNCYK:** In response to page 7.
14) Response No. 6.
15) **Q:** Do you see that?
16) **A:** Um-hum.
17) **Q:** What's the basis for your opinion
18) that Combier has negative, hateful and angry
19) feelings towards you?
20) **MR. WASSERMAN:** Objection to the
21) form.
22) **A:** I have several instances where this
23) has been shown to me.
24) **Q:** Would you describe them or show me

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[1]

[2] the instances.

[3] A: Betsy tried to keep us from staying
[4] with Mom in July 1996, saying that she was going
[5] to repaint the ceiling of my mother's apartment
[6] from the day we arrived until the day we left.
[7] Couldn't do it any other time of the year but
[8] the time that we were supposed to come. The
[9] paint was falling from the ceiling onto my
[10] mother in her food. It was a health problem for
[11] my mother. Mom said at first that her hands
[12] were tied and tried to find some other available
[13] space to live, because Betsy was adamant that we
[14] will not be allowed to stay at my mother's
[15] apartment.

[16] My mother finally let us in saying
[17] that she loved us, we were coming to see her,
[18] and of course we could stay at her apartment.

[19] This was 100 percent to keep us from
[20] coming to New York City by the part of my twin
[21] sister.

[22] Bankers Trust later gave Betsy
[23] \$6,000 to paint the ceiling of the apartment.
[24] It was not repainted. Since Betsy could not
[25] keep us out of staying with Mom in New York

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[1]

[2] City, then she no longer was interested in Mom's
[3] health enough to repaint the ceiling. That's
[4] one instance.

[5] Q: Okay. Give me another.

[6] A: When I mentioned to Mom that she
[7] should spend her money on herself, and I knew
[8] about Nightingale, Mom, who was very afraid of
[9] Betsy, always kind of used other people, "Well,
[10] so and so said this, what do you think," and she
[11] told Betsy that I had said that maybe there
[12] wasn't enough money for Nightingale. Now Betsy
[13] was so furious that she called Nightingale and
[14] said that I was threatening her children and
[15] that I should be locked out of the school
[16] because I was a terrorist.

[17] Now, Anne McCord evidently who knows
[18] Chuck Amstein called him up to — she thought
[19] this was very outrageous, but she called Chuck
[20] up and said what was Jill like, and Chuck said
[21] that I was the normal one evidently and that
[22] none of that was true. So I was not physically
[23] locked out of Nightingale.

[24] Hatred, another example she says
[25] under oath in her deposition that my daughter

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Danger

[1]

[2] Julie pleaded with her crying to be taken out of
[3] my care because I didn't care about her, she was
[4] out on the street at two in the morning, and my
[5] daughter is very angry because I am a wonderful
[6] mother. I am very protective. I won't even let
[7] her take the Metro at 10 p.m. at night. It's
[8] like Betsy has to destroy — I have to be
[9] destroyed from coming to New York, I can't go to
[10] Nightingale, my kids have to be taken away from
[11] me, you know, just everything has to be taken
[12] away.

[13] Q: Anything else that makes you believe
[14] that Ms. Combier has negative, hateful and angry
[15] feelings towards you besides these several
[16] items?

[17] A: Lots of stuff. Began years ago when
[18] Betsy was a roommate with Sally Meyer and I was
[19] never allowed to be friends with anyone that was
[20] Betsy's friends. And Sally came to me and said,
[21] "Jill, I can't talk to you anymore because I'm
[22] Betsy's roommate and I need a place to stay," so
[23] we were out of contact for a while.

[24] The last time I was at Betsy's house
[25] Mike was in a baby carriage, so I guess it was

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Danger

[1]

[2] like 13 years ago or something like that. There
[3] was a girl named Rose, a friend of Betsy's at
[4] dinner that night and she mentioned that she
[5] might go to Paris and I said, "Oh, you can stay
[6] with me," and Betsy threw me out of her
[7] apartment. Friends of Betsy could not be
[8] friends of mine and I was solicitating Rose to
[9] come visit me in Paris, so I got kicked out of
[10] her apartment and I was never allowed there
[11] again.

[12] Q: Negative, hateful and angry feelings
[13] were in existence prior to 1997, is that what
[14] you're saying?

[15] A: Oh, yes, yes.

[16] Q: And how long did they persist?

[17] A: Forever.

[18] MR. WASSERMAN: To the future,
[19] you're saying how long did they persist?

[20] MR. UNCYNK: How long did they
[21] persist prior to 1997.

[22] MR. WASSERMAN: How long before?

[23] MR. UNCYNK: How long before, yes,
[24] thank you.

[25] A: Forever.

Danger

1) **Q:** Are these negative feelings of hate
 2) and anger reciprocated, is that the way you feel
 3) about Betsy?
 4) **A:** Not at all. As I mentioned to Ken
 5) and other people, growing up I was very
 6) admiring, is that a word, the piano, the
 7) concerts, the riding horses, swimming, Betsy
 8) could do everything I could do, and I thought
 9) that was absolutely wonderful.
 10) I had anorexia when I was 14. I was
 11) horrible. I was very, very sick. They were
 12) going to put me in the hospital and I nearly
 13) died. It is now much more is known about it
 14) now, but I was very horrible to Betsy and I
 15) apologized, but I think Betsy not fully
 16) understanding anorexia at that point started
 17) actively thinking maybe that she didn't like me,
 18) and I think that some form of hate and anger has
 19) remained and grown over the years.
 20) **Q:** And you don't have any of those
 21) feelings towards Betsy, is that what you're
 22) saying?
 23) **MR. WASSERMAN:** Objection to the
 24) form. Which feelings are you talking
 25)

Danger

1) about?
 2) **Q:** Negative, hateful and angry
 3) feelings.
 4) **MR. WASSERMAN:** Are you talking
 5) about today as we —
 6) **MR. UNCYK:** Today.
 7) **A:** As I sit here?
 8) **Q:** Yes.
 9) **A:** I am angry and very sorry that Betsy
 10) felt that she had to hurt Mom as much as she
 11) did.
 12) **Q:** You described in July of '96 that
 13) you were told that you couldn't stay in the
 14) apartment because it was being painted and your
 15) mother said, "My hands are tied."
 16) Do you recall we spoke about that
 17) just a few minutes ago?
 18) **A:** Um-hum.
 19) **Q:** Your mother ultimately said that you
 20) could come to the apartment; is that correct?
 21) **A:** Yes.
 22) **Q:** And you did stay?
 23) **A:** Um-hum.
 24) **Q:** So her hands weren't tied that much,
 25)

Danger

1) were they, apparently?
 2) **A:** She was punished after.
 3) **Q:** In what way?
 4) **A:** Not seeing her grandchildren.
 5) **Q:** Oh, for how long did that occur?
 6) **A:** Oh, I think two months if I remember
 7) correctly.
 8) **Q:** What's the basis for that
 9) information?
 10) **A:** Because Mom let us come and stay at
 11) the apartment.
 12) **Q:** How do you know that she didn't see
 13) her grandchildren for two months?
 14) **A:** Because she would call me up and
 15) tell me how lonely she was.
 16) **Q:** She told you how lonely she was.
 17) Did she say she couldn't see her grandchildren?
 18) **A:** Yes.
 19) **Q:** What did she say?
 20) **A:** Betsy wasn't coming over.
 21) **Q:** And when was that?
 22) **A:** September, October '96.
 23) **Q:** How often did she call during that
 24) period of time, September, October of '96?
 25)

Danger

1) **A:** We talk about two or three times a
 2) month.
 3) **Q:** Did you call her or did she call
 4) you?
 5) **A:** She called me most of the time but I
 6) would call her if I had something really new and
 7) exiting.
 8) **Q:** And how many times did she mention
 9) to you that she hadn't seen Betsy's children for
 10) two months?
 11) **A:** How many times during that
 12) particular month?
 13) **Q:** During this particular time.
 14) **A:** I guess maybe two or three.
 15) **Q:** Did she ever tell you about that not
 16) seeing Betsy's children for two or three months
 17) after that? Did that subject come up again?
 18) **A:** Not to that extent, I don't think
 19) so.
 20) **Q:** And then what happened after the two
 21) or three months when she didn't see the
 22) grandchildren?
 23) **MR. WASSERMAN:** Objection to the
 24) form. What do you mean what happened?
 25)

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Danger

[1]

[2] Q: Do you know what happened?

[3] MR. WASSERMAN: What happened with
[4] what respect?

[5] Q: With respect to seeing the
[6] grandchildren.

[7] A: Well, she saw them.

[8] Q: How did that happen, why did she see
[9] the grandchildren after two months?

[10] A: I guess her punishment period was
[11] over.

[12] Q: When your mother told you that she
[13] hadn't been seeing Betsy's children for two
[14] months or so, did she tell you why she hadn't
[15] seen them?

[16] A: We both knew it was because I
[17] stayed, she allowed me to stay at the apartment.

[18] Q: Well, I'm not asking what you both
[19] know. What did your mother tell you?

[20] A: Oh, she said that, "I am punished
[21] because I let you come this summer," those
[22] weren't her exact words, I don't remember her
[23] exact words, but it was along those lines.

[24] Q: Did she use the word "punish"?

[25] A: Yes.

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Danger

[1]

[2] MR. WASSERMAN: Objection to the
[3] form. Asked and answered.

[4] Q: Was anybody else present when you
[5] had this conversation with your mother?

[6] A: No.

[7] Q: So it was only you and her —

[8] A: Yes.

[9] Q: — having this conversation and
[10] nobody else heard her say that she was being
[11] punished?

[12] A: No.

[13] Q: Did you know whether she told
[14] anybody else about this?

[15] A: I've already stated that Maryanne
[16] Weaver has mentioned this to Ken and Anne
[17] Connor, Chuck and John Weaver I think know about
[18] this.

[19] Q: Do you know of any other instances
[20] in which Betsy punished her mother by not
[21] letting her see Betsy's children?

[22] A: I don't remember.

[23] Q: Is there anything that you could
[24] look at or anything that you could do that would
[25] help refresh your recollection?

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Danger

[1]

[2] A: No.

[3] Q: Prior to your mother's death did you
[4] have negative — let me find the phrase that we
[5] used — hateful and angry feelings towards your
[6] sister?

[7] A: No, I did not know anything that was
[8] going on, so I remember, I realized that things
[9] were not as friendly between us as they were,
[10] but I came to New York to visit with Mom and see
[11] my friends and most of all visit with Mom. It's
[12] hard being 5,000 kilometers or how many miles, I
[13] don't know, how many miles we are physically
[14] away from someone that you love. And I would
[15] come to New York to see Mom. And Betsy's visits
[16] became less frequent to Mom's house.

[17] Q: While you were in Paris during the
[18] 1990s, how often did you speak to your mother by
[19] telephone?

[20] A: Totally depended on whether there
[21] was a special event, something happened.

[22] Q: Did you have any schedule of
[23] speaking to her?

[24] A: No, no.

[25] Q: No schedule.

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Danger

[1]

[2] A: She'd call me, "Oh, just want to say
[3] hi."

[4] Q: And would you call her as well?

[5] A: Yes.

[6] Q: If you focused simply on 1998 up to
[7] the time of your mother's death, two and a half
[8] months, do you recall how many times during 1998
[9] you spoke to your mother on the telephone?

[10] MR. WASSERMAN: I'm sorry, I didn't
[11] hear.

[12] A: Mom was in a nursing home, I
[13] believe. I don't remember. I know she called
[14] me February 13th to say she was either out of
[15] the nursing home or already at home for her
[16] birthday, February 14th.

[17] Q: Did you call your mother's home on
[18] February 12th or 13th asking to speak to your
[19] mother?

[20] A: I don't remember. I know her
[21] birthday is February 14th, so I —

[22] Q: You don't remember if you called
[23] her?

[24] A: Or she called me. I talked with her
[25] on the 13th, I believe.

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Danger

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Danger

[1] **Danger**
[2] Q: Do you know the name Henry
[3] Sheinkopf, S-H-E-I-N-K-O-P-F?
[4] A: I know the name now.
[5] Q: Who do you understand that to be?
[6] A: Betsy's friend who found Kenneth
[7] Brown.
[8] Q: Did you know that name during 1998?
[9] A: No.
[10] Q: You know someone named Chuck or
[11] Charles Amstein; is that correct?
[12] A: Yes.
[13] Q: Who do you know Mr. Amstein to be?
[14] A: The reverend of the Madison Avenue
[15] Presbyterian Church.
[16] Q: How long do you know him?
[17] A: 30 years. I don't know. I don't
[18] remember.
[19] Q: When is the last time that you spoke
[20] to Mr. Amstein?
[21] A: I don't remember.
[22] Q: Did you speak to him since your
[23] mother passed away?
[24] A: Yes.
[25] Q: Have you talked to Mr. Amstein about

[1] **Danger**
[2] Q: Have you talked to Reverend Anderson
[3] at the time before your mother's death?
[4] A: No.
[5] Q: Do you know the name John Weaver?
[6] A: Yes.
[7] Q: And who is that?
[8] A: He's a musical director at MAPC.
[9] Q: Your mother was active at MAPC;
[10] isn't that correct?
[11] A: Yes.
[12] Q: How long had she been active there?
[13] A: 50 years.
[14] Q: During the 1990s was she also
[15] active?
[16] A: Yes.
[17] Q: What did she do for the church?
[18] A: She helped John Weaver with the
[19] music program, the choir, and she was also a
[20] volunteer in the church house.
[21] Q: Do you know how often during the
[22] 1990s she went to the church?
[23] A: She went every day.
[24] Q: Did she go on the date that she
[25] passed away?

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Danger

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Danger

[1] **Danger**
[2] this litigation with your sister?
[3] A: No.
[4] Q: Have you spoken with Mr. Amstein
[5] about your mother's last will?
[6] A: No.
[7] Q: Have you ever talked to Mr. Amstein
[8] about your relationship with Betsy?
[9] A: No.
[10] Q: Do you know Fred Anderson? Do you
[11] know the name Fred Anderson?
[12] A: I know the name.
[13] Q: Do you know who that is?
[14] A: He's the reverend at Madison Avenue
[15] Presbyterian Church.
[16] Q: Do you know him personally?
[17] A: No.
[18] Q: Have you ever met him?
[19] A: Well, he was at the memorial service
[20] for my mother and I think I met him in the
[21] hallway, but I don't know if I could pick him
[22] out in a crowd.
[23] Q: Since your mother's death have you
[24] ever talked to Reverend Anderson?
[25] A: No.

[1] **Danger**
[2] A: Yes.
[3] Q: She was there the whole day so far
[4] as —
[5] A: She was that — yeah, she was there
[6] mostly the whole day.
[7] Q: Have you talked to John Weaver since
[8] your mother passed away?
[9] A: No.
[10] Q: When was the last time that you
[11] spoke to Mr. Weaver, if the ever?
[12] A: Well, I saw him at the memorial
[13] service. He came and said hello. At some time
[14] before that, he has model trains in his
[15] apartment and we spent about two or three hours
[16] there with Mike and Julie and the trains in
[17] their apartment, but that's it.
[18] Q: Have you ever talked to Mr. Weaver
[19] about your mother's will?
[20] A: No.
[21] Q: Had you ever talked to Mr. Weaver
[22] about your mother's financial situations in any
[23] way?
[24] A: No.
[25] Q: Had you ever talked to Mr. Weaver

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Danger

- [1]
[2] about your relationship with Betsy?
[3] A: No.
[4] Q: Do you know Maryanne Weaver?
[5] A: Yes.
[6] Q: Who do you know her to be?
[7] A: John's wife.
[8] Q: Have you talked to her since —
[9] A: No.
[10] Q: — your mother passed away?
[11] A: No.
[12] Q: It will make it easier for her if
[13] you wait until I finish, okay.
[14] When is the last time, if ever, that
[15] you spoke to Maryanne Weaver?
[16] A: She also was at the memorial
[17] service. Before —
[18] Q: Did you talk to — I'm sorry, are
[19] you finished?
[20] A: Before that, we'd say, "Hi, how are
[21] you? back in New York, nice to see you," that
[22] kind of thing.
[23] Q: Did you ever talk to Maryanne Weaver
[24] about your mother's will?
[25] A: No.

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Danger

- [1]
[2] Q: Did you ever speak to her about your
[3] mother's finances?
[4] A: No.
[5] Q: Did you ever speak to her about your
[6] relationship with your sister?
[7] A: No.
[8] Q: Do you know the name Dee Osborn?
[9] A: Yes.
[10] Q: She's your financial advisor; is
[11] that correct?
[12] A: Yes.
[13] Q: Did you ever speak to Dee Osborn
[14] about your mother's will?
[15] A: No.
[16] Q: Did you ever speak to Dee Osborn
[17] about your mother's financial situation ever? I
[18] know it's a long relationship with Dee Osborn,
[19] but I mean ever, I mean to cover the entire
[20] relationship?
[21] A: I took Mom's Bankers Trust statement
[22] to her one day to see what she thought.
[23] Q: When was that?
[24] A: Early 1990s.
[25] Q: What did you say and what did she

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Danger

- [1]
[2] say at the time that you brought those
[3] statements to her about those statements?
[4] A: I said, you know, "What do you
[5] think? Is Mom getting a good deal here?" And
[6] she said that Bankers Trust was a conservative
[7] bank, and probably with more risk and everything
[8] else that it could be a little bit better
[9] handled, but for the trust that it was, that Mom
[10] was happy with it and it was fine.
[11] Q: What type of financial statements
[12] did you bring?
[13] A: The bank statements that I got every
[14] month.
[15] Q: To your knowledge did Dee Osborn
[16] ever speak to your mother?
[17] A: Ever speak in general or about a
[18] specific topic?
[19] Q: In general.
[20] A: "Hello, Julie, how are you?"
[21] Q: Was there any contacts between Dee
[22] Osborn and your mother, even just, "Hello,
[23] Julie, how are you," anything, at any time?
[24] A: Yes.
[25] Q: When?

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Danger

- [1]
[2] A: She would call Mom, "You still in
[3] New York? Hi, Julia, how are you." If I was
[4] there Mom would pass me to her, or if I wasn't,
[5] Dee would say, "Well, have her call me when she
[6] comes in."
[7] Dee was one of the persons contacted
[8] for staying in New York and Dee was very, very,
[9] very surprised about this because she has — she
[10] is my financial advisor. She never said that I
[11] was wealthy, she doesn't consider that I'm
[12] wealthy, and I'm not or wasn't, or however we
[13] look at it now. She was in no way instrumental
[14] in making my mother believe that I had a lot of
[15] money.
[16] Q: You say Dee was contacted about
[17] staying in New York. Can you describe what you
[18] mean by that?
[19] A: Well, Betsy and/or Mom called
[20] everyone that they could find that I knew in New
[21] York to keep me out of the apartment. Betsy did
[22] not want me to come to New York, period. And
[23] the fact that she did call Dee, and Dee was
[24] surprised and Dee said, quite rightly, that she
[25] is my financial advisor, she will not talk about

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Danger

1) my money, and that was that.
2) **Q:** Who told you that Betsy and/or your
3) Mom called everyone to try to keep you out of
4) the apartment?
5) **A:** My friends..
6) **Q:** Which friends?
7) **A:** Gary, Tita, Dee. Who else was
8) there? I don't remember.
9) **Q:** Did Dee report to you the
10) conversation that took place about trying to
11) keep you out of the apartment?
12) **A:** Dee told me that she had been
13) contacted to ask about my financial situation,
14) and Dee rightly so said that she was my
15) financial advisor, she would not divulge
16) financial information, but that she did not
17) consider me a wealthy woman, and that was that.
18) **Q:** When did this occur?
19) **A:** It must have been April, May, 1996.
20) **Q:** Did Dee tell you who called her, who
21) contacted her?
22) **A:** I don't remember.
23) **Q:** Did Dee tell you what she said about
24) your financial situation, if anything?
25)

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Danger

1) **A:** She said I was not a wealthy woman.
2) **Q:** Did she say anything else about your
3) financial situation besides that you're not a
4) wealthy woman?
5) **A:** I don't remember.
6) **Q:** You mentioned that your friend Gary
7) told you that Betsy and/or your Mom called
8) everyone to try to keep you out of the
9) apartment?
10) **A:** Um-hum.
11) **Q:** Who is Gary?
12) **A:** Gary is one of my best friends.
13) **Q:** What is his last name?
14) **A:** Tucker.
15) **Q:** Do you know whether Dee had ever met
16) your mother personally?
17) **A:** Yes.
18) **Q:** On what occasions?
19) **A:** Well, I met Dee through Mom's friend
20) Mr. Wallace, Dan Wallace, who did my father's
21) will and my mother's will — excuse me, 1989
22) will, and was a friend of my Mom's for like 60,
23) 70 years, something like that.
24) **Q:** Did Dee visit your mother during the
25)

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Danger

1) 1990s at your mother's home?
2) **A:** No.
3) **Q:** Gary Tucker is a friend of yours?
4) **A:** Yes.
5) **Q:** Was he a friend of yours in the
6) 1990s?
7) **A:** Yes.
8) **Q:** Did Gary Tucker and your mother know
9) each other?
10) **A:** Yes.
11) **Q:** Did Gary Tucker ever visit your
12) mother's home in 1990s?
13) **A:** He lived there for two, three, four
14) months.
15) **Q:** When?
16) **A:** '74, I believe, end of '74, because
17) he was living with — he lived with me in the
18) beginning 1974, March, April, May, and I think
19) after that he moved to New York and he was
20) staying with Mom.
21) **Q:** He lived with you at sometime before
22) '74?
23) **A:** In Paris.
24) **Q:** In Paris?
25)

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Danger

1) **A:** Yes, I met him in Paris in March of
2) 1974 because my roommate Melinda knew him.
3) **Q:** During 1990 did Gary Tucker visit
4) your mother?
5) **A:** Yes.
6) **Q:** What were the occasions?
7) **A:** Well, this was another tradition.
8) She would take Gary, his boyfriend Mark, me out
9) to dinner, because Gary is into food, and we
10) would get dressed up and Mom would pick out the
11) restaurant and we all loved that. And Gary
12) invites me often to his house and he'd always
13) make a little something for Mom in a "doggie
14) bag" because he really likes Mom a lot and he
15) had come to my house for dinner.
16) **Q:** Did Gary report to you that he
17) received a call about your finances, about your
18) visit?
19) **A:** Yes.
20) **MR. WASSERMAN:** Objection, is it —
21) could you do one or the other? You seem
22) to have compounded —
23) **A:** Not finances.
24) **Q:** Did Gary —
25)

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Danger

[1] MR. UNCYK: Yes, thank you.
[2] Q: Did Gary report to you that he had
[3] received a call about your visit in '96?
[4] A: Yes.
[5] Q: What did he say?
[6] A: He was horrified.
[7] Q: What did he say the person —
[8] A: I don't remember his exact words.
[9] Q: Who did he tell you called?
[10] A: I don't remember.
[11] Q: Earlier you said Betsy and/or your
[12] mother —
[13] A: Yeah.
[14] Q: — called around.
[15] So is it fair to say that it was
[16] Betsy or your mother who called —
[17] A: Oh, yeah.
[18] Q: — Gary?
[19] (Recess taken.)
[20] Q: We were talking I think last about
[21] Gary Tucker, his friend Mark and you going out
[22] socially with your mother to restaurants and
[23] visiting at her home; is that correct?
[24] A: (Witness nods.)
[25]

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Danger

[1] Q: On these visits to restaurants, did
[2] anybody typically pick up the check or pay for
[3] it?
[4] A: Mom normally invited 'us.
[5] Q: And she paid for all three — or all
[6] of you, for four of you?
[7] A: Yes, and then Gary was at the French
[8] Institute, and he'd invite us all there.
[9] Q: You also mentioned that your friend
[10] Tita told you about your mother or Betsy calling
[11] everyone to try to keep you out of the
[12] apartment?
[13] MR. WASSERMAN: Objection to the
[14] form. That's not the testimony as I
[15] understand it.
[16] Q: "Betsy and/or Mom called everyone to
[17] try to keep me out of the apartment." "Who did
[18] she call?" "Friends." "How do you know that?"
[19] "Friends told me, Tita was one of them."
[20] Is that a correct reflection of what
[21] you said earlier?
[22] A: The purpose of the calls was to find
[23] somewhere for me and my children to stay because
[24] Betsy did not want us to stay in the apartment.
[25]

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Danger

[1] Q: And Tita was one of the people who
[2] told you about these calls?
[3] A: Yes.
[4] Q: Who is Tita?
[5] A: Tita Sabadie. Her name is Francesca
[6] Sabadie.
[7] Q: Can you spell that, please.
[8] A: F-R-A-N-C-E-S-C-A, Sabadie,
[9] S-A-B-A-D-I-E.
[10] Q: Are you sure that that's the right
[11] spelling?
[12] A: Sabadie is right, Francesca I think
[13] is right.
[14] Q: That's enough for now.
[15] Who is Francesca Sabadie?
[16] A: She's a lawyer.
[17] Q: And how did you meet her?
[18] A: She was living in Paris with her
[19] husband Bob, and she's a friend of Charles
[20] Little and Nancy Little, and she came to meet me
[21] and we've been friends ever since. And this was
[22] February 1991.
[23] Q: Did Tita ever get to meet your
[24] mother?
[25]

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Danger

[1] A: Yes.
[2] Q: When is the first time she met your
[3] mother?
[4] A: I don't remember.
[5] Q: Did she know your mother at the time
[6] in '96, I think it was —
[7] A: Yes.
[8] Q: — when Betsy and/or your mother
[9] called about your not staying in the apartment?
[10] A: Yes.
[11] Q: Had she known your mother from
[12] before that?
[13] A: Yes.
[14] Q: How much before '96 did she know
[15] your mother?
[16] A: She met Mom soon after I did in the
[17] early '80s, because she and her husband moved
[18] back to New York.
[19] Q: Did Tita ever come to your mother's
[20] apartment?
[21] A: Yes.
[22] Q: During the '90s, how often?
[23] A: Whenever I was there, and other
[24] times also.
[25]

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- [1]
[2] **Q:** Do you know whether Tita came to
[3] your mother's apartment when you were not in New
[4] York?
[5] **A:** Yes, she did.
[6] **Q:** How do you know that?
[7] **A:** Because Tita and Mom told me.
[8] **Q:** How soon after the call in '96 did
[9] Tita tell you about this call from your mother
[10] and/or Betsy?
[11] **A:** Right away.
[12] **Q:** Where were you at the time?
[13] **A:** Paris.
[14] **Q:** Where was Tita?
[15] **A:** New York.
[16] **Q:** She called you from New York to
[17] Paris?
[18] **A:** Yes.
[19] **Q:** And what did she say and what did
[20] you say during that telephone conversation?
[21] **A:** I don't remember her exact words,
[22] but she was amazed that this was an issue.
[23] Mom — she said, "Julia, well, Jill is coming
[24] because she loves you a lot," and Mom finally,
[25] when she agreed to have us stay at the apartment

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- [1] because Tita had found an apartment in Brooklyn,
[2] Mom said, "No, that's too far away and Jill is
[3] coming to see me and she will be staying at the
[4] apartment," and Tita was thrilled to hear that
[5] and said, "Congratulations, Julia, you've made
[6] the right choice," something like that.
[7] **Q:** I'm asking specifically about the
[8] call that Tita made to you immediately after she
[9] received the call. What did she say to you and
[10] what did you say to her?
[11] **A:** I just summarized the whole
[12] conversation. I do not remember her exact
[13] words, but it was surprise at the reason of the
[14] phone call. We were talking about how Mom loved
[15] us and what was going on and that was terrible
[16] that Betsy was forcing Mom to do this so that we
[17] wouldn't go to New York, and that was all in the
[18] first conversation.
[19] **Q:** Did Tita say that it was terrible
[20] that Betsy was forcing Mom to do this?
[21] **A:** I do not remember her exact words
[22] but it was definitely along those lines.
[23] **Q:** Did Tita tell you why she thought
[24] Betsy was forcing your mother to do this?
[25]

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- [1]
[2] **A:** No. She doesn't really know Betsy.
[3] **Q:** What was it that Tita said that made
[4] you believe that Tita intended to say that Betsy
[5] was forcing this?
[6] **A:** Well, the reason was the painting
[7] the apartment was starting the day we were
[8] supposed to arrive in New York, and all my
[9] friends rightly so said that there are 11 months
[10] out of the year to paint an apartment.
[11] **Q:** What was it that Tita said that made
[12] you feel that Tita blamed Betsy for this rather
[13] than your mother?
[14] **A:** It was Betsy's decision to paint the
[15] apartment.
[16] **Q:** I'd like to focus on what Tita said
[17] to you. What did she say to you?
[18] **A:** Tita made it quite clear was that
[19] the reason that Betsy decided to paint the
[20] apartment on the exact date we were arriving in
[21] New York.
[22] **Q:** So you recall that Tita said that
[23] your mother told her —
[24] **A:** Yes.
[25] **Q:** — that Betsy had arranged to paint

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- [1] the apartment?
[2] **A:** To paint the apartment.
[3] **Q:** Did Tita proceed after that to try
[4] to find you another place to stay when you came
[5] to New York?
[6] **A:** Yes.
[7] **Q:** And was she successful?
[8] **A:** She found us a place in Brooklyn.
[9] **Q:** And your mother nevertheless had you
[10] staying at her home; is that correct?
[11] **A:** Yes.
[12] **Q:** So there was Dee, Gary and Tita that
[13] Betsy and/or your mother called in 1996; is that
[14] correct?
[15] **A:** Um-hum.
[16] **Q:** Was there anyone else?
[17] **A:** I don't remember.
[18] **Q:** Is there anything that you could
[19] look at or anything that you could do that would
[20] help refresh your recollection?
[21] **A:** No.
[22] **Q:** Do you know the name Lisa Hartman?
[23] **A:** Why does that sound familiar? Yes,
[24] I believe the name — oh, yes.
[25]

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- [1]
[2] Q: Who is she?
[3] A: She was the woman that was my
[4] investment advisor when Dee left U.S.Trust.
[5] Q: Do you know whether Lisa Hartman
[6] ever had any contact with your mother?
[7] A: No.
[8] Q: Did you ever discuss with Lisa
[9] Hartman your mother's financial situation?
[10] A: No.
[11] Q: Do you know the name Fred Linstedt,
[12] L-I-N-S-T-E-D-T?
[13] A: No. No, who is he?
[14] Q: Do you know the name Sharon Davison?
[15] A: No.
[16] Q: Do you know the name John Cole?
[17] A: No.
[18] Q: Do you know the name Eric Selch,
[19] S-E-L-C-H?
[20] A: No.
[21] Q: Do you know the name Curtis Field?
[22] A: No.
[23] Q: Do you know the name Casandra
[24] Robinson?
[25] A: Yes.

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- [1]
[2] Q: Who is Casandra Robinson?
[3] A: She was the woman that was Mom's
[4] caretaker. I met her at the memorial service.
[5] I know the name Casandra, so I assume it's this
[6] one.
[7] Q: Is that the first time that you met
[8] her?
[9] A: Yes.
[10] Q: Did you speak to her at the memorial
[11] service?
[12] A: I said hello.
[13] Q: Did you have any conversation with
[14] her after the memorial service?
[15] A: No.
[16] Q: Have you had any contact with her at
[17] all since then?
[18] A: No.
[19] Q: Were you ever present in your
[20] mother's home while Casandra Robinson was
[21] there?
[22] A: No.
[23] Q: Did you ever call, or did your
[24] mother ever call you while Casandra Robinson
[25] was there, to your knowledge?

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- [1]
[2] A: I don't know.
[3] Q: Do you know the name Bill Whitehead?
[4] A: Yes.
[5] Q: Who is that?
[6] A: He's the man that officiated at my
[7] mother's memorial service — funeral, sorry —
[8] Q: Had you ever met him before?
[9] A: Evidently he is an acquaintance of
[10] my mother and I have been told that I have met
[11] him at some point, but I don't remember.
[12] Q: Have you talked to him since the
[13] funeral service?
[14] A: No.
[15] Q: Did you talk to him during the
[16] funeral service or memorial?
[17] A: Maybe small talk when we arrived at
[18] the cemetery.
[19] Q: Do you know the name Robert Seigel?
[20] A: Yes.
[21] Q: Who is that?
[22] A: A friend of Betsy's who is in
[23] finance or something.
[24] Q: Have you ever met him?
[25] A: I don't know.

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- [1]
[2] MR. UNCYK: I'd like to mark as
[3] Exhibit E a letter dated September 13,
[4] 1978 on the stationery of Whitman & Ransom
[5] addressed to Mrs. Julia Taschereau.
[6] (Proponent's Exhibit E, letter dated
[7] September 13, 1978 on the stationery of
[8] Whitman & Ransom, addressed to Mrs. Julia
[9] Taschereau, was marked for
[10] identification.)
[11] Q: Have you ever seen this letter that
[12] we've just introduced?
[13] A: Yes.
[14] Q: When is the first time that you saw
[15] it?
[16] A: Right of this day, I believe.
[17] Q: And that's in 1978?
[18] A: Yes.
[19] Q: Who sent that letter to you?
[20] A: Donald Wallace.
[21] Q: And who is Donald Wallace, again?
[22] A: He was Mom's lawyer.
[23] Q: Would it be fair to say that the
[24] letter asks your mother to stop supporting you
[25] and Betsy on the same extent that she had been

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[1] supporting you prior to the letter?
[2] A: Um-hum.
[3] MR. WASSERMAN: Objection, the
[4] letter speaks for itself.
[5] MR. UNCYK: I understand. The
[6] question is put to the witness.
[7] MR. WASSERMAN: Objection to the
[8] form.
[9] Q: Okay, would it be fair to say that
[10] the letter asks your mother to stop supporting
[11] you and Betsy to the same extent that she had
[12] been supporting you before the letter?
[13] A: Yes.
[14] Q: Did your mother comply with the
[15] suggestion in that letter?
[16] A: Not right away, no.
[17] Q: Did she ever start to comply with
[18] that letter?
[19] A: Oh, yes.
[20] Q: When?
[21] A: I don't remember.
[22] Q: Is it within a few weeks or few
[23] months or years?
[24] A: I would say it was maybe a year, two

[1] line. I mean, I had my own money now.
[2] Q: Did you continue receiving monthly
[3] payments directly from the trust?
[4] A: Yes.
[5] Q: How long did that continue?
[6] A: That lasted until the day she died.
[7] Q: When you say you had your own money
[8] now, where did your own money come from?
[9] A: Dad's death right here.
[10] Q: Were you working as well?
[11] MR. WASSERMAN: Can you give a date,
[12] please, Eli?
[13] Q: At the time that you stopped asking
[14] for more money, which was several years after
[15] the '79 letter, '78 letter.
[16] A: I opened my restaurant in 1979.
[17] Q: I'm sorry, the restaurant was opened
[18] when?
[19] A: April 1979.
[20] Q: Did your mother —
[21] MR. WASSERMAN: I object to the
[22] form. I didn't get to the timewise, but I
[23] believe that you misstated her testimony.
[24] I don't think she indicated that she

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[1] years, three years after that.
[2] Q: In what way did she begin to comply
[3] with that letter?
[4] A: It was then that we, at least I —
[5] she said that neither Betsy and I would have
[6] American Express any longer.
[7] Q: And what else?
[8] A: And, well, basically we got all that
[9] money so, you know, we should live our life.
[10] Q: I'm not sure I understand. Your
[11] mother started to comply with the suggestions in
[12] that letter several years later, one of the ways
[13] was to have you stop using her American Express
[14] card?
[15] A: Um-hum.
[16] Q: What were the other ways that she
[17] tried to comply with the suggestions in that
[18] letter?
[19] A: I just didn't want her for — I
[20] didn't ask her for any exceptional money. She
[21] had bought my car in 1974, as I told you,
[22] because dad was not dead yet, but after getting
[23] this money I would never have even think of
[24] asking her for a major disbursement in that

[1] stopped asking for extraordinary amounts
[2] several years after this letter.
[3] Q: Let me go back and clarify that.
[4] When did you stop asking for
[5] extraordinary amounts?
[6] A: When I — well, basically as far as
[7] I remember, my car was the last time.
[8] Q: You said you opened a restaurant in
[9] April of '79.
[10] A: Yes.
[11] Q: Where was the restaurant?
[12] A: Paris.
[13] Q: Did you have to invest money to open
[14] a restaurant?
[15] A: Yes.
[16] Q: Where did you get that money?
[17] A: From here.
[18] Q: "From here" meaning what?
[19] A: The money I got from dad's estate.
[20] Q: I think you mentioned earlier that
[21] Dec Osborn was your financial advisor and you
[22] deposited money with her from your father's
[23] estate as well?
[24] A: Yes.

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- [1]
[2] Q: So a portion of the money that you
[3] received from your father's estate went into the
[4] restaurant and a portion went to be invested
[5] with Dee Osborn; is that correct?
[6] A: Well, it was — all went to Dee and
[7] then I took out the money to buy my restaurant.
[8] Q: How much money did you take out to
[9] buy the restaurant?
[10] A: It was about, I can't remember what
[11] the dollar was then, it was about \$80,000, I
[12] think.
[13] Q: What happened to the restaurant?
[14] A: My ex-husband made it go bankrupt
[15] because he — well, he made it go bankrupt.
[16] Q: Did there come a time when you
[17] bought an apartment in Paris?
[18] A: Yes.
[19] Q: When was that?
[20] A: 1985.
[21] Q: Where did you get the money to buy
[22] the apartment?
[23] A: From my investments.
[24] Q: So even after losing the \$80,000
[25] that you took from Dee Osborn's account you had

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- [1] money left over to buy an apartment in Paris; is
[2] that correct?
[3] A: That's correct.
[4] Q: What year was that again?
[5] A: 1985.
[6] Q: How much was that? How much did you
[7] take out to buy the apartment?
[8] MR. WASSERMAN: Are you talking how
[9] much the down payment of the apartment
[10] was?
[11] Q: How much money did you take out?
[12] A: I paid in cash, and it was \$120,000.
[13] Q: Did you take a mortgage?
[14] A: No.
[15] Q: Do you still own that apartment?
[16] A: Yes.
[17] Q: And after taking out the \$120,000
[18] there were still funds in the account that Dee
[19] Osborn was managing?
[20] A: Yes.
[21] Q: How much?
[22] A: I'd say there was from 80 to
[23] \$100,000 left.
[24] Q: During the 1990s did you receive

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- [1] gifts of money from your mother?
[2] MR. WASSERMAN: Other than what's
[3] been testified to already?
[4] MR. UNCYK: Yes.
[5] Q: I'm sorry, I just want to review.
[6] You received a monthly payment directly from the
[7] trust during the 1990s?
[8] A: Yes.
[9] Q: Aside from that, did you receive any
[10] other money from your mother?
[11] A: Yes.
[12] Q: What did you receive during the
[13] 1990s from your mother other than the monthly
[14] payments from the trust?
[15] A: \$1,000 a month.
[16] Q: A thousand dollars a month in
[17] addition to what you received from the trust?
[18] A: In addition to the \$500 from the
[19] trust, yes.
[20] Q: Anything else?
[21] A: No.
[22] Q: Did you receive any birthday gifts
[23] or holiday gifts or anything like that?
[24] A: Oh, yeah.

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- [1] Q: Cash money?
[2] A: No, not cash money. She always sent
[3] me a leather diary for Christmas. A kitchen
[4] clock with my name on it. I love old cars, so I
[5] get glasses with old cars on it and coasters
[6] with old cars on it and anything with my name on
[7] it.
[8] Q: Did you ever discuss with your
[9] mother what kind of gifts in cash or money she
[10] was giving to Betsy or her family?
[11] A: No.
[12] Q: Did your mother during the 1990s
[13] makes gifts of cash or money to your children?
[14] A: Yes.
[15] Q: What were the amounts and when,
[16] limiting again to the 1990s.
[17] A: I remember distinctly '96 and '95 it
[18] was \$100 each.
[19] Q: Do you know whether your mother made
[20] any gifts of money to Betsy or her family
[21] besides the \$500 that was going from the trust?
[22] A: Yes, Mom was giving Betsy also money
[23] each month.
[24] Q: How much was that?
[25]

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1) **MR. WASSERMAN:** Have you specified
2) the years you're talking about?
3) **MR. UNCYK:** Yes, during the 1990s.
4) **MR. WASSERMAN:** Well, you know — I
5) think the testimony has been that it's
6) changed from the early 1990s until later
7) in the 1990s.
8) **Q:** So, I mean, the answer could be that
9) precise, that's okay. It's supposed to be
10) precise. If it was some amount in the early
11) 1990s and changed then —
12) **A:** Early 1990s Mom was giving Betsy a
13) certain amount of cash plus helping Betsy with
14) living expenses.
15) **MR. WASSERMAN:** Eli, is it clear
16) you're asking her for her understanding
17) today?
18) **A:** Today.
19) **Q:** Did you understand that?
20) **A:** Yes.
21) **Q:** You mean you didn't know it at that
22) time?
23) **A:** I knew that, but this all changed in
24) 1996 when Betsy got power of attorney, because

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1) then Mom was put on an allowance of \$600 a month
2) and Betsy was using the rest of the money each
3) month for her own uses.
4) **Q:** So during the early 1990s through
5) 1996 you were aware of your mother giving money
6) each month to Betsy, cash plus living expenses?
7) **A:** Um-hum.
8) **Q:** And this changed in 1996 but you
9) only discovered that after the change; is that
10) correct?
11) **A:** After her death.
12) **Q:** After her death?
13) **A:** Yes.
14) **Q:** Okay. So up to '96 you were aware
15) of those payments at the time?
16) **A:** I was aware that Betsy was getting
17) money each month. I don't know if it was cash
18) or check or whatever. I also knew that Mom was
19) paying for Nightingale. I knew that she was —
20) as she said, she was paying for some of Betsy's
21) living expenses because David did not have a
22) good enough job and living in New York was
23) expensive.
24) **MR. UNCYK:** I'd like to mark five

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1) items for identification. We can mark
2) them Proponent's Exhibit F-1 through 5 if
3) that's all right, Mr. Wasserman.
4) **Mr. Wasserman?**
5) **MR. WASSERMAN:** I think it's fine.
6) I haven't seen what you were going to do.
7) I thought that you will tell me that
8) before asking me to agree to it.
9) **MR. UNCYK:** Yes.
10) (Proponent's Exhibit F-1, Republic
11) Bank statement dated November 2, 1994, was
12) marked for identification.)
13) (Proponent's Exhibit F-2, Bankers
14) Trust Company statement dated June 13,
15) 1995, was marked for identification.)
16) (Proponent's Exhibit F-3, Bankers
17) Trust Company statement dated May 12,
18) 1997, was marked for identification.)
19) (Proponent's Exhibit F-4, Bankers
20) Trust Company statement dated January 12,
21) 1996, was marked for identification.)
22) (Proponent's Exhibit F-5, Bankers
23) Trust Company statement dated February 11,
24) 1998, was marked for identification.)

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1) **Q:** Ms. Danger, will you take a look at
2) the items that we've marked as Proponent's
3) Exhibits F-1 through F-5. These are photocopies
4) of originals, I believe that were in your
5) possession; is that correct?
6) **A:** Yes.
7) **Q:** Can you identify page by page what
8) those items are?
9) **A:** This is the Republic Bank thousand
10) dollars that Mom sent to me.
11) **Q:** What's the date on that?
12) **A:** This is Republic Bank — no, because
13) we changed this. So this is what February
14) 11th — it's November 2nd, 1994. This is
15) Bankers Trust, 500, the 500 from the trust, and
16) it's June 13th, 1995. This is Bankers Trust,
17) 500, May 12th, 1997, Bankers Trust July 12th,
18) 1998.
19) **MR. WASSERMAN:** That's in what
20) amount?
21) **A:** 500. And 500 to me from the trust,
22) February 11th, 1998.
23) **Q:** That first item, F-1, is a transfer
24) of \$1,000?

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- [1]
[2] A: Um-hum.
[3] Q: Did you get monthly transfers of a
[4] thousand dollars for any period of time or was
[5] this an isolated transfer?
[6] A: No, I told you in the early '90s.
[7] Q: In the early '90s you received
[8] transfers of \$1,000 a month?
[9] A: Mom sent a check or wire.
[10] Q: I see. So the \$500 a month that
[11] came directly from the trust, was that always
[12] wired?
[13] A: That was automatically put in my
[14] Republic Bank account.
[15] Q: And the thousand dollar check, the
[16] thousand dollar payment, how was that sent to
[17] you or credited to you?
[18] A: Well, Mom first sent me checks, I
[19] believe, but then I found out that or she found
[20] out or Bankers Trust told her that it was
[21] cheaper with charges to wire it by a Swift
[22] number which I didn't know existed. So after
[23] that she used Swift to wire it instead of
[24] physically sending a check with a stamp on it.
[25] Q: I thought them in better order, but

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- [1] you mentioned a July '98 transfer of \$500 as
[2] F-4, would you look at that again.
[3] A: It's January 12th, 1998.
[4] Q: January.
[5] A: And February.
[6] Q: February 11th, 1998.
[7] Let's put those items away. Do you
[8] have any other original documents reflecting
[9] transfers from your mother to your accounts
[10] besides the five that we marked?
[11] A: I couldn't find them. If I do, I
[12] can't find them.
[13] MR. UNCYK: I'd like to mark now as
[14] G, Proponent's Exhibits G-1 through 5 with
[15] Mr. Wasserman's permission.
[16] (Proponent's Exhibit G-1, France
[17] Telecom phone bill dated 16/03/95, was
[18] marked for identification.)
[19] (Proponent's Exhibit G-2, France
[20] Telecom phone bill dated January 25, 1996,
[21] was marked for identification.)
[22] (Proponent's Exhibit G-3, France
[23] Telecom phone bill dated March 21, 1996,
[24] was marked for identification.)
[25]

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- [1] (Proponent's Exhibit G-4, France
[2] Telecom phone bill dated November 28,
[3] 1996, was marked for identification.)
[4] (Proponent's Exhibit G-5, France
[5] Telecom phone bill dated November 28,
[6] 1996, was marked for identification.)
[7] Q: Ms. Danger, will you take a look at
[8] Proponent's Exhibits G-1 through 5, and can you
[9] describe what these items are?
[10] A: It's my phone bills.
[11] Q: For what periods are these phone
[12] bills, what periods do these phone bills cover?
[13] MR. WASSERMAN: You want each
[14] individual or first date and last date, or
[15] what?
[16] MR. UNCYK: I'm sorry. If each page
[17] represents a different bill, please
[18] describe that.
[19] A: Yes. The first one is March 16th,
[20] 1995, the second one is January 25th, 1996, the
[21] third one is March 21st, 1996 and the last one
[22] is —
[23] MR. WASSERMAN: There's two more.
[24] A: Oh, two more, that's right.
[25]

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- [1] November 28th, 1996 and November 28th, 1996.
[2] Q: Are the last two duplicates or are
[3] they —
[4] A: No, it is one bill.
[5] Q: One long bill?
[6] These were produced to us pursuant
[7] to our demand. Are there any other phone
[8] bills —
[9] A: I couldn't find any.
[10] Q: — from the period 1991 onwards?
[11] A: I couldn't find any.
[12] Q: Would you take a look at Plaintiff's
[13] Exhibit G-1. What period of time does that bill
[14] cover? What's the first entry on that and
[15] what's the last entry in terms of calls that
[16] were reflected there?
[17] A: The 16th of, that must be January,
[18] to the 12th of March.
[19] Q: Is this a phone bill for your
[20] telephone at home?
[21] A: Yes.
[22] Q: Did you have any other telephones at
[23] that time that this bill reflects?
[24] A: No.
[25]

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- [1] [2] **Q:** Are there listings there showing
[3] calls on that telephone to your mother in New
[4] York?
[5] **A:** There are some. There's one here,
[6] there's one here.
[7] **MR. WASSERMAN:** Just a second.
[8] There is no question yet.
[9] **Q:** There are some. Let's see if we
[10] could find a way to identify them. Can you
[11] identify them by date?
[12] **A:** No.
[13] **Q:** Is there some way that you can
[14] identify the calls to your mother?
[15] **A:** By the (212) 288.
[16] **Q:** And on what date was the first call
[17] to your mother that's reflected on this bill,
[18] G-1?
[19] **A:** February 25th, I think that's
[20] February, yes, or January — is that January?
[21] This would be January then. January
[22] 25th.
[23] **Q:** What's the length of time of that
[24] call?
[25] **A:** Five minutes and 42 seconds.

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- [1] [2] **Q:** What's the next call after that?
[3] **A:** February 14th.
[4] **Q:** What's the length of that call?
[5] **A:** Two minutes and 18 seconds.
[6] **Q:** What's the next call?
[7] **A:** That was it for this time period.
[8] **Q:** And the bill covers a two-month
[9] period?
[10] **A:** Um-hum.
[11] **Q:** Did you make any other calls to your
[12] mother from any other place?
[13] **A:** Yes, possibly.
[14] **Q:** Possibly. Do you have a
[15] recollection?
[16] **MR. WASSERMAN:** In this particular
[17] month?
[18] **MR. UNCYK:** Yes.
[19] **A:** Oh, I do not remember.
[20] **Q:** Do you recall whether your mother
[21] called you during this two-month period? I know
[22] it's five years ago, but it's only two phone
[23] calls to her, do you have a recollection as to
[24] whether she called you?
[25] **A:** I recall that before 1996 Mom would

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- [1] [2] call me.
[3] **Q:** Would you look at the next bill.
[4] What period of time does that cover? What's the
[5] first entry and what's the last entry date?
[6] **A:** November 19th to January 20th.
[7] **Q:** Is that November 19th, '95 to
[8] January —
[9] **A:** '96.
[10] **Q:** — 20th, '96.
[11] Are any calls to your mother
[12] reflected on that bill?
[13] **A:** Yes.
[14] **Q:** Can you identify the date of the
[15] first call that's reflected there?
[16] **A:** The November 27th, 28th and 29th.
[17] **Q:** What was the length of time of each
[18] of those calls?
[19] **A:** 27th was 16 seconds, the second one
[20] was one minute and 41 seconds, and then it was
[21] 16 seconds.
[22] **Q:** Any other calls reflected on that
[23] bill to your mother?
[24] **A:** No.
[25] **Q:** Do you have any recollection that

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- [1] [2] you might have called her from somewhere else?
[3] **A:** I recall that several times if a
[4] friend of mine was staying at a hotel that knew
[5] Mom, we'd call a John Clark, who was a member of
[6] MAPC, was on my plane at Continental and I don't
[7] remember the period he was in Paris, but
[8] friends, and we would call Mom, "Oh, hi, I'm
[9] with Jill."
[10] **Q:** Do you have a recollection that
[11] during the period November 19th, '95 to January
[12] 20th, '96 that this actually happened?
[13] **A:** I don't remember.
[14] **Q:** Do you have a recollection as to how
[15] many times or whether your mother called you
[16] during this period of time?
[17] **A:** Oh, Mom definitely called me.
[18] **Q:** You described a little earlier that
[19] before '96 your mother would call you. What
[20] happened after '96 or what happened during '96
[21] and after?
[22] **MR. WASSERMAN:** Right, are you
[23] talking about this period now which covers
[24] both '95 and '96, and obviously she said
[25] '96. There's a date there, a month that

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Danger

- [1]
[2] hasn't been reflected in your question.
[3] **MR. UNCYK:** Yep, you're right.
[4] **Q:** Let's go on to the next bill and see
[5] what that indicates.
[6] What period of time does that
[7] cover? What's the first date?
[8] **A:** First date is January 22nd to March
[9] 21st — March 16th.
[10] **Q:** Do you see any calls reflected there
[11] to your mother?
[12] **A:** Yes.
[13] **Q:** What's the first one, a date?
[14] **A:** January 24th.
[15] **Q:** What's the length of time?
[16] **A:** 47 seconds.
[17] **Q:** When is the next call?
[18] **A:** January 26th.
[19] **Q:** What's the length of time?
[20] **A:** Three minutes and 10 seconds.
[21] **Q:** When is the next call?
[22] **A:** The 31st.
[23] **Q:** What's the length of time?
[24] **A:** 47 seconds and 56 seconds.
[25] **Q:** There are two calls on January 31st?

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- [1]
[2] **A:** Yes.
[3] **Q:** 47 seconds and 56 seconds?
[4] **A:** Um-hum.
[5] **Q:** What's the next call after that?
[6] **A:** February 5th.
[7] **Q:** What's the length of that call?
[8] **A:** One minute and 10 seconds.
[9] **Q:** And then any other calls?
[10] **A:** There's February 20th, five minutes,
[11] 29 seconds, February 22nd, 12 seconds. February
[12] 27th, three minutes and 45 seconds.
[13] I've been going down one line, but I
[14] see that this is — there are a lot more in
[15] January 23rd, two minutes and four seconds, and
[16] the 31st —
[17] **MR. WASSERMAN:** You said that
[18] already.
[19] **A:** No, there's another three I didn't
[20] say. I called her five times. Then February —
[21] **MR. WASSERMAN:** Give the three other
[22] times.
[23] **A:** 55 seconds, one minute, 19 seconds
[24] and 42 seconds. February 1st, two minutes and
[25] 49 seconds, February 5th, 17 seconds, February

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- [1]
[2] 12th, three minutes and 14 seconds, and February
[3] 20th, eight minutes and 47 seconds, and the
[4] 22nd, seven minutes and one second.
[5] **Q:** Did your mother have an answering
[6] machine?
[7] **A:** Yes.
[8] **Q:** When you called and the calls were
[9] seconds, did you reach your mother and talk to
[10] her?
[11] **A:** I don't remember.
[12] **Q:** What's your recollection of why
[13] there are so many calls under a minute?
[14] **MR. WASSERMAN:** Objection to the
[15] form. When you say so many calls, are you
[16] talking about this most recent one?
[17] **MR. UNCYK:** Why there are calls
[18] under a minute during this period of
[19] time.
[20] **MR. WASSERMAN:** Including the one
[21] for 57 seconds, you call that, and 55
[22] seconds?
[23] **MR. UNCYK:** Yes.
[24] **MR. WASSERMAN:** You lump that with
[25] one that's, I guess the least one is 12

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- [1]
[2] seconds.
[3] **MR. UNCYK:** Yes.
[4] **A:** It was very frustrating until
[5] recently with international calls in France and
[6] I know that it drives everybody nuts, AT&T, I'd
[7] have to get on to AT&T, then they would just
[8] give me Mom, who would be waiting, and then all
[9] of a sudden no more people. So I'd call back,
[10] AT&T would say, "Oh, sorry." A lot of times
[11] that happened.
[12] Now I don't go through French, it's
[13] a 09 number instead of 01, which are better
[14] rates and better service, but that didn't exist
[15] then. There was also, Mom was also very
[16] concerned about money and she didn't have the
[17] money to spend on the phone bill and I didn't
[18] either supposedly, and she said, "I'll call you
[19] right back," or something like that. But I
[20] remember mostly operators getting Mom on the
[21] phone and me not being able to hear her, or she
[22] not being able to hear me on the line and you
[23] couldn't tell the operator, "Hello, could you
[24] please come back," unless it was a collect call,
[25] in which case the operator would take on line,

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[1] but of course the collect call was a lot more
[2] than just dialing normally.

[3] Q: Did you make collect calls to your
[4] mother?

[5] MR. WASSERMAN: Ever?

[6] MR. UNCYK: During this period of
[7] time? You're right, let's be more precise
[8] about this.

[9] Q: Do you recall during this period,
[10] this period of time that's represented by G-3,
[11] making collect calls to your mother?

[12] MR. WASSERMAN: I'm sorry, June 3,
[13] is that what you said?

[14] MR. UNCYK: G-3.

[15] A: Is this G-3?

[16] Q: The bill you're looking at.

[17] A: Oh, it is.

[18] Q: Do you recall making phone calls to
[19] your mother?

[20] A: I don't recall, but I'm looking at
[21] this and I'm sure these operators that are
[22] getting Mom on the line and waiting like what
[23] seems an hour to realize that one of us isn't
[24] hearing the other to hang up.

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Danger

[1] Q: Isn't true that when you made these
[2] calls it was to ask for money?

[3] MR. WASSERMAN: Objection to the
[4] form. Would you please rephrase the
[5] question.

[6] Q: Isn't it true —

[7] MR. WASSERMAN: In a way that
[8] doesn't infer the answer in the question.

[9] MR. UNCYK: Sorry. I don't have to
[10] do that.

[11] Q: Isn't it true that when you made
[12] these calls you were asking for mother for
[13] money?

[14] MR. WASSERMAN: Objection to the
[15] form.

[16] MR. UNCYK: I understand the
[17] objection.

[18] A: No.

[19] Q: Isn't it true that your mother hung
[20] up on you?

[21] A: Sometimes.

[22] MR. WASSERMAN: Objection to the
[23] form.

[24] Q: And when she hung up on you, what
[25]

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Danger

[1] was the reason?
[2]

[3] MR. WASSERMAN: Are we talking about
[4] this —

[5] A: This phone bill.

[6] MR. WASSERMAN: I think the question
[7] is on February — in that G-5?

[8] A: Oh, no.

[9] MR. UNCYK: The witness knows.

[10] A: The G-3 is right here until March.

[11] Q: Isn't it true that on some other
[12] occasions reflected by G-3 your mother hung up
[13] on you?

[14] MR. WASSERMAN: Objection to the
[15] form.

[16] A: This period is the operator.

[17] Q: Were there times at all during the
[18] 1990s when you called your mother and she hung
[19] up on you?

[20] MR. WASSERMAN: Objection to the
[21] form.

[22] THE WITNESS: When you say that, do
[23] I answer?

[24] MR. WASSERMAN: Unless I tell you
[25] not to answer. I take it you're not going

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Danger

[1] to —

[2] MR. UNCYK: I'm not going —

[3] MR. WASSERMAN: — abide by my
[4] request that you ask her a question that's
[5] not a leading question and implies the
[6] answer in the question?

[7] MR. UNCYK: I don't take it as a
[8] request. I take it as a notation that you
[9] object to the form. Sometimes I'll ask
[10] questions that I know are defective as to
[11] form because it gets information anyway.
[12] It's the information I'm interested in and
[13] not the formality.

[14] Q: There were times that your mother
[15] hung up on you. Isn't that true?

[16] MR. WASSERMAN: Objection to the
[17] form. We're talking about times when?

[18] MR. UNCYK: In the 1990s.

[19] MR. WASSERMAN: In the 1990s, did
[20] your mother ever hang up on you?

[21] A: Yes, because it was her hands-tied
[22] period and she could not and would not tell me
[23] about Betsy's control, and I wanted to know. I
[24] did not understand why my mother, who loved me
[25]

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[1]
[2] deeply, she was very loving toward me, we were
[3] great friends, could not tell me what was going
[4] on. And I never dreamt it was Betsy, and to
[5] stop herself from letting me know anything she
[6] did hang up on me, and I needed to know why. I
[7] needed to know why.

[8] Q: You say you needed to know why.
[9] Does that mean that you persisted in asking her
[10] until she hung up on you?

[11] A: No. I mean, there are a whole lot
[12] of other situations. I remember once when Julie
[13] was in the bathtub and I said, "Bye, Mom, I'll
[14] call you right back." I don't know if it was
[15] this period, but I was not calling her to scream
[16] at her. These are operator calls, it was very
[17] frustrating around this time, March is when
[18] Betsy got power of attorney, which is the time
[19] also that Mom said we could not stay at her
[20] apartment because Betsy was painting the
[21] ceiling. This was a little later than this.

[22] And my friend Diana was in Paris at
[23] that point and she tried to calm me down a
[24] little bit but no one — first of all, no one
[25] believed the painting of the apartment, which

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[1] turned out to be true because Betsy never
[2] repainted the apartment, and couldn't understand
[3] what — why Mom's hands were tied either. And
[4] Diana spent — lived with Mom, Gary has lived
[5] with Mom, Tita has known Mom forever, no one
[6] understood this form of — and it turned out
[7] that Mom of course let us stay there with open
[8] arms. It was wonderful, but I still did not
[9] know what had happened. But I was so happy that
[10] my mother and I were really good friends and we
[11] were staying with her and I loved her deeply,
[12] her hands were tied.

[13] And if I had had one slight inkling
[14] of the hurt and pain that Betsy was forcing her
[15] to go through, I of course would have been
[16] unhappy that Mom accepted this. It does force
[17] Mom to be extremely unhappy, extremely — her
[18] whole life was Betsy and me and getting us
[19] together, and she knew that this whole money
[20] rift and the punishments and the threats, the —
[21] she was morally crushed.

[22] Q: But she wouldn't talk to you about
[23] it; isn't that true?

[24] MR. WASSERMAN: Objection to the
[25]

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[1] form. Can you —
[2]

[3] MR. UNCYK: No.

[4] MR. WASSERMAN: Okay.

[5] MR. UNCYK: This is the way I ask
[6] questions. You can object when I ask it
[7] at the trial. And if you're sustained,
[8] you'll be sustained. I understand your
[9] objection. It's only as to form and I'm
[10] entitled to ask objectionable questions as
[11] to form if that's my choice. I'm looking
[12] for information.

[13] MR. WASSERMAN: But Eli, I am
[14] entitled to object and to encourage you to
[15] ask an acceptable question so it's not
[16] confusing, so that the witness doesn't
[17] answer one question when you think you're
[18] asking another question. And when I'm
[19] asking for a specific time period of your
[20] questions, I think I'm doing something
[21] that not only I'm entitled to, but the
[22] court requires me to do.

[23] MR. UNCYK: When you remind me about
[24] time periods, you are correct, I fix them
[25] with respect to time periods. But simple

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[1] objections as to form, I just don't feel
[2] the obligation to change.
[3]

[4] Q: Can you describe prior to '96 or
[5] even — you described that during '96 when your
[6] mother said her hands were tied, she wouldn't
[7] talk to you about money; is that correct?

[8] A: Well, I kind of agree with Ken.
[9] Instead of saying did she talk to me about
[10] money, you're saying she wouldn't talk to you or
[11] something like that, which is a statement.

[12] Q: Did she talk to you about money
[13] during 1996?

[14] MR. WASSERMAN: At any time during
[15] 1996 is the question?

[16] A: Yes, she said she had no money.

[17] Q: And when she told you that she did
[18] want you to stay in her apartment because it was
[19] being painted, you believed that was because her
[20] hands were tied; is that correct?

[21] MR. WASSERMAN: Objection to the
[22] form.

[23] A: I knew for a certainty that Betsy
[24] did not want us to come to New York.

[25] Q: Didn't you also know for certain

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Danger

[1] that your mother didn't want you to stay in the
[2] apartment either?
[3] **MR. WASSERMAN:** Objection to the
[4] form.
[5] **A:** Absolutely not.
[6] **Q:** What —
[7] **A:** My mother loved having us.
[8] **Q:** Why did she hang up on you all the
[9] time when you persisted in asking her why you
[10] couldn't stay at the apartment?
[11] **MR. WASSERMAN:** Eli, that's
[12] becoming — you're misstating the
[13] testimony and you're knowingly misstating
[14] the testimony, and I ask you to please
[15] restate the question.
[16] **MR. UNCYK:** I'll fix that.
[17] **Q:** Your mother hung up on you, we've
[18] established that?
[19] **MR. WASSERMAN:** At least one time.
[20] **Q:** She hung up on you because you say
[21] her hands were tied; is that correct?
[22] **A:** She said her hands were tied.
[23] **Q:** And you persisted in asking her what
[24] do you mean by that, is that what happened, you
[25]

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Danger

[1] persisted until she finally hung up on you, is
[2] that what happened?
[3] **A:** I wanted to know why her hands were
[4] tied.
[5] **Q:** And what did she say in response to
[6] that?
[7] **A:** She could not tell me.
[8] **Q:** And then she hung up on you or did
[9] you continue asking her?
[10] **MR. WASSERMAN:** Eli, you're talking
[11] about one particular conversation now that
[12] you have in mind.
[13] **MR. UNCYK:** Your witness understands
[14] perfectly well. I don't think it's
[15] necessary to fix it.
[16] **A:** Maybe when she hung up because she
[17] could not and would not hurt me enough to tell
[18] me that my identical twin sister had control of
[19] her money, was spending it on herself, and her
[20] hands were tied because Betsy had decided that
[21] she hated me so much that I could not come and
[22] stay with Mom that summer. She could not tell
[23] me that.
[24] I was in pain to save herself from
[25]

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[1] letting me have an inkling of what was going on
[2] and her feeling my pain, she did hang up I think
[3] once.
[4] **Q:** And that's during 1996 that she hung
[5] up once on you?
[6] **A:** This is before our arrival in 1996.
[7] **Q:** Were there any other times during
[8] the 1990s when she hung up on you?
[9] **A:** I don't think so, no, or I certainly
[10] don't remember.
[11] **Q:** Did you ever leave messages on your
[12] mother's answering machine?
[13] **MR. WASSERMAN:** Again, from the time
[14] that she was born?
[15] **MR. UNCYK:** I'm sorry, you're
[16] appropriate to note that.
[17] **Q:** During the 1990s did you leave
[18] messages on your mother's answering machine?
[19] **A:** Oh, I must have, yeah, I guess I
[20] did.
[21] **Q:** Did you ever leave a message on Anne
[22] Connor's answering machine?
[23] **A:** I don't remember. By ever, before
[24] Mom's death?
[25]

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[1] **Q:** When I say ever, in Anne Connor's
[2] case I do mean ever.
[3] **A:** Oh, I don't know ever.
[4] **Q:** With respect to your mother,
[5] Mr. Wasserman is right. I don't mean from the
[6] beginning of time.
[7] **A:** I don't remember.
[8] **Q:** If you could focus on 1995 and 1996,
[9] around the time when there was the issue of your
[10] being able to stay at your mother's apartment,
[11] did you at that time make a call to Anne Connor?
[12] **A:** I don't remember.
[13] **Q:** Do you have a recollection in 1998
[14] that your mother was in a nursing home for a
[15] period of time?
[16] **A:** She — I called her February 13th
[17] and talked with her and she said she just had
[18] gotten out of the home. I did not know that she
[19] was there beforehand.
[20] **Q:** So the first time you found out that
[21] your mother was in a nursing home in 1998 —
[22] **A:** I know I was surprised because I
[23] talked to her on her birthday.
[24] **Q:** When was her birthday?
[25]

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[1] **Danger**
[2] **A:** February 14th. And I thought she
[3] called her about — I guess I called her. Oh, I
[4] don't have '98, anyway.
[5] **Q:** Do you recall in February of 1998
[6] calling Anne Connor?
[7] **A:** February 1998?
[8] **Q:** 1998, calling Anne Connor.
[9] **A:** I have no idea. I don't remember.
[10] **Q:** Do you recall calling Anne Connor
[11] around February 13th of 1998 and leaving a
[12] message on her answering machine?
[13] **A:** I don't remember.
[14] **Q:** Do you remember being angry that you
[15] couldn't speak to your mother on February 13th,
[16] 1998 because she hadn't come home yet from the
[17] nursing home?
[18] **A:** I don't remember. I wasn't angry.
[19] I didn't know she was in the nursing home.
[20] **Q:** I just want to ask a couple more
[21] questions about the time that your mother was in
[22] the nursing home and you called for her
[23] birthday, called about her birthday.
[24] Did you speak to Betsy on February
[25] 13th, '98 or February 14th, '98 to your

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[1] **Danger**
[2] recollection when you made that call?
[3] **A:** I don't remember.
[4] **Q:** Do you remember at that time being
[5] told that when she came home from the nursing
[6] home someone would be living with her to help
[7] take care of her?
[8] **A:** I don't remember.
[9] **Q:** Do you have a recollection about
[10] somebody telling you at that time that the room
[11] in your mother's home that you used to stay in
[12] would be used by your mother's helper?
[13] **A:** No one ever mentioned that. It was
[14] not ever mentioned and I never asked.
[15] **MR. UNCYK:** Okay. Thank you for
[16] your patience, and thank you,
[17] Mr. Wasserman, for coming to visit us.
[18] (Time noted: 4:39 p.m.)
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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[1] **Danger**
[2]
[3] I, the witness herein, having read the foregoing
[4] testimony, do hereby certify it to be a true and
[5] correct transcript, subject to the corrections,
[6] if any, shown on the attached page.
[7]
[8]
[9]
[10]

JULIA DANGER

[11]
[12]
[13] Subscribed and sworn to
[14] before me this day
[15] of 2000.
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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[1] **Danger**
[2] **CERTIFICATE**
[3]
[4] STATE OF NEW YORK)
[5] :ss
[6] COUNTY OF NEW YORK)
[7] I, CELESTE A. GALBO, a Certified
[8] Shorthand Reporter and Notary Public within and
[9] for the State of New York, do hereby certify:
[10] That JULIA DANGER, the witness whose
[11] deposition is hereinbefore set forth, was duly
[12] sworn by me and that such deposition is a true
[13] record of the testimony given by such witness.
[14] I further certify that I am not
[15] related to any of the parties to this action by
[16] blood or marriage and that I am in no way
[17] interested in the outcome of this matter.
[18] In witness whereof, I have hereunto
[19] set my hand this day of 2000.
[20]
[21]
[22]
[23] CELESTE A. GALBO
[24]
[25]

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